



**Constitution
of the
Tla'amin Nation**

Neh Motl (Us)

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DECLARATION OF THE TLA'AMIN NATION

We are known collectively as the Tla'amin Nation and through this Constitution we declare our sovereignty and jurisdiction. We speak our Tla'amin language and are part of the larger grouping of Coast Salish peoples.

Since the beginning of time, Tla'amin people have lived on the lands that the Creator provided for our Ancestors. They lived by a traditional system of governance that has sustained us and our lands and resources for thousands of years. Our society governed all forms of environmental, social and political relations through a sophisticated system of traditional laws, as is our traditional way.

It is from this proud history that the Tla'amin Nation derives our inherent right of self-government. With jurisdiction and responsible leadership, we will pursue economic, social and cultural development to sustain and improve the quality of life for present and future generations.

PREAMBLE

A constitution is not a new concept to the Tla'amin people. Our traditional teachings were the unwritten constitution that our Ancestors lived by. In creating a written Constitution, we continue to honour and uphold our Ancestral practices, teachings and core values. Through this Constitution, we reinforce the principles of respect, unity and connection to our lands and resources. We vow to keep these teachings and principles in mind in all that we do as Tla'amin people.

Through this Constitution, Tla'amin Citizens and the Tla'amin Government are continuing to exercise our inherent right of self-determination. The Tla'amin Government will govern in an accessible, accountable and transparent manner.

As we have always done, we continue to occupy our lands and carry out our traditional teachings that require us to be stewards of our lands and resources today and always. In upholding our responsibilities, we will continue to seek the guidance of the Creator, our Ancestors and the knowledge of Tla'amin Elders as we protect and make decisions about managing our lands and resources.

Our vision of self-government and of a healthy, self-sufficient Tla'amin Nation began long ago with our Ancestors and our leadership of the past. Many of those who were involved in shaping and advancing our vision have passed on and we acknowledge their contributions and sacrifice. They put in place the foundation that we have built upon today. Those respected ones have cleared the path so that we, the Tla'amin Nation, could achieve our vision.

PART 1: FOUNDING PRINCIPLES

Purpose

1. The Tla'amin Constitution sets out the foundation for the relationship between Tla'amin Citizens and the Tla'amin Government.

Tla'amin Nation

2. The Tla'amin Nation has existed since the beginning of time and is the collectivity of descendants who share the same language, culture, laws, teachings and territory inherited from our Tla'amin Ancestors. From this flows our inherent right to govern ourselves.
3. The Tla'amin Nation will protect and pass along to future generations:
 - (a) Tla'amin Tums gijeh (*lands*) water and resources;
 - (b) Tla'amin Ee ah ju thum (*language*);
 - (c) Tla'amin Ta'ow (*teachings*); and
 - (d) Tla'amin Kwnam oskw kwums he heow (*cultural practices*).

Fundamental Values

4. The Tla'amin Constitution is based on the following fundamental values:
 - (a) honour and respect for the wisdom and teachings of the Ancestors and Elders;
 - (b) maintaining our connection to our lands and resources within our traditional territory;
 - (c) the responsible, sustainable stewardship of lands, waters, air and other resources;
 - (d) the collective right of self-determination of the Tla'amin Citizens;
 - (e) respect for the principles of fairness and accountability;
 - (f) respect, protection and promotion of the heritage, culture, traditions, practices and Ta'ow (*teachings*) of the Tla'amin Nation, with the understanding that these traditions and practices may evolve over time; and

(g) dignity of and respect for each individual.

Supremacy of Constitution

5. This Constitution is the supreme law of the Tla'amin Nation, subject only to the Tla'amin Final Agreement. In the event of an inconsistency between this Constitution and the provisions of any Tla'amin Law, the Tla'amin Law is, to the extent of the inconsistency, of no force or effect.

PART 2: RIGHTS AND RESPONSIBILITIES

Rights of Tla'amin Citizens

6. Every Tla'amin Citizen has rights, freedoms and responsibilities as a citizen of the Tla'amin Nation.
7. The responsibilities of citizenship include upholding this Constitution, Tla'amin Laws, our Ta'ow (*teachings*) and contributing to the creation of a healthy community.
8. Tla'amin Citizens may exercise the following rights in accordance with the Tla'amin Final Agreement and this Constitution:
 - (a) the right to practice, protect and promote the culture, traditions and Ta'ow (*teachings*) of the Tla'amin Nation;
 - (b) the right to utilize and protect our ancestral language;
 - (c) the right to harvest resources;
 - (d) the right to enter, remain on and leave Tla'amin Lands;
 - (e) the right to make political choices, to participate in political activities and to express a view on any public issue;
 - (f) the right of freedom of conscience, religion, belief, opinion, expression, association and peaceful assembly;
 - (g) the right to life, freedom and security of the person;
 - (h) the right to be safe and to a safe living environment;
 - (i) the right of equality and equal protection and benefit of the law;
 - (j) the right to reasonable access to information about him or her and his or her minor children which has been provided to or obtained by the Tla'amin Government or a Tla'amin Public Institution and which is within the possession or control of that body;
 - (k) the right to privacy and to the protection of personal information;
 - (l) the right to be consulted by the Tla'amin Government, Tla'amin Public Institutions and others on issues:
 - i. of importance to the Tla'amin Nation;

- ii. that impact on the collective rights of the Tla'amin Nation; and
- iii. that impact in a significant way on the individual rights of Tla'amin Citizens; and

(m) such other rights as are set out in the Tla'amin Final Agreement.

Limitations

- 9. Any right set out in this Constitution may be limited by a Tla'amin Law if the limit set out in the law balances individual rights, communal rights, democratic rights and sustainability.

Citizenship

- 10. The Tla'amin Government will make laws in respect of Tla'amin citizenship.
- 11. Every person who is enrolled under the Tla'amin Final Agreement is entitled to be a Tla'amin Citizen.
- 12. A person who is not a Tla'amin Citizen may become a Tla'amin Citizen if that person meets the criteria for Tla'amin Citizenship set out in Tla'amin Law.

Election Rights

- 13. Subject to requirements set out in Tla'amin Law, every Tla'amin Citizen who is at least 18 years of age is eligible to vote in Tla'amin elections and to hold office in the Tla'amin Government.

PART 3: LANDS AND RESOURCES

14. The Tla'amin Nation has owned and exercised stewardship over Tla'amin Territory, including the water and resources, since the beginning of time.
15. The Tla'amin Nation owns Tla'amin Lands and Resources and all natural accretions to Tla'amin Lands, subject to such interests as it may grant in and to those lands and resources.
16. The Tla'amin Nation, through the Tla'amin Government, exercises governance authority over and may make laws in respect of Tla'amin Lands and Resources, including their use, protection, granting of ownership and other forms of interest.
17. The use, development and disposition of Tla'amin Lands and Resources are subject to the Tla'amin Final Agreement, this Constitution and Tla'amin Laws.
18. The Tla'amin Government will exercise its stewardship role within the Tla'amin Territory in accordance with the fundamental values set out in this Constitution.
19. The Tla'amin Government will make laws in respect of:
 - (a) designation and zoning of Tla'amin Lands;
 - (b) the process for Tla'amin Citizens gaining an interest in Tla'amin Lands; and
 - (c) changes to the boundaries of Tla'amin Lands.
20. The Tla'amin Government will establish a process for consultation and public involvement in land use and development planning.
21. The Tla'amin Government will not substantially decrease the size of Tla'amin Lands over time.
22. Prior to the Tla'amin Government or a Tla'amin Public Institution making any significant change to land use or making a significant land acquisition, it will carry out a community consultation process.
23. The Tla'amin Government or a Tla'amin Public Institution may not enter into a transaction that results or could result in the sale or lease of a significant parcel of Tla'amin Lands, unless that transaction is approved in advance by a majority of Tla'amin Citizens who vote in a referendum that is held in accordance with a law made by the Tla'amin Government.
- 23.1 For greater certainty, the allotment, granting or sale of land to Tla'amin Citizens

does not constitute:

- (a) a substantial decrease in the size of Tla'amin Lands under section 21; nor
 - (b) the sale or lease of a significant parcel of Tla'amin Lands under section 23; and, as such, does not require a referendum under section 23.
24. The Tla'amin Government will make laws or establish policies that set out criteria for determining what amounts to:
- (a) a substantial decrease in the size of Tla'amin Lands;
 - (b) a significant change to land use;
 - (c) a significant land acquisition;
 - (d) the sale of a significant parcel of Tla'amin Lands; and
 - (e) the lease of a significant parcel of Tla'amin Lands.
25. Prior to establishing or amending a policy made under section 24, the Tla'amin Government will carry out a community consultation process.
26. In accordance with the Tla'amin Final Agreement, the Tla'amin Constitution and Tla'amin Law, the Tla'amin Government may sell, transfer or create an interest in Tla'amin Lands.

Expropriation

27. The Tla'amin Government may only expropriate lands or interests within Tla'amin Lands for public purposes and public works in accordance with Tla'amin Law, this Constitution and the Tla'amin Final Agreement.
28. The Tla'amin Government will make laws in respect of expropriation of Tla'amin Lands. These laws will require reasonable notice and fair compensation based on the fair market value of Tla'amin Lands.

PART 4: TLA'AMIN GOVERNMENT

Jurisdiction and Authority

29. The Tla'amin Nation acts through the Tla'amin Government in exercising its rights, powers, privileges and authorities and in carrying out its duties, functions and obligations.
30. The Tla'amin Government has jurisdiction and authority over those matters set out in the Tla'amin Final Agreement and this Constitution.
31. The Tla'amin Government may exercise any right, power, privilege or authority, and may carry out any duty, function or obligation, of the Tla'amin Nation or Tla'amin Government in accordance with Tla'amin Law, this Constitution and the Tla'amin Final Agreement including:
 - (a) making any law within the authority of the Tla'amin Government;
 - (b) adopting any federal or provincial law or local government bylaw in respect of a matter within the authority of the Tla'amin Government;
 - (c) passing a resolution proposing a question to be put to Tla'amin Citizens in a referendum; and
 - (d) delegating authority and law-making.

Governing Principles

32. The Tla'amin Government, Tla'amin Public Institutions and their officials will:
 - (a) be accountable to the Tla'amin Nation;
 - (b) adhere to this Constitution;
 - (c) promote the unity and well-being of the Tla'amin Nation;
 - (d) provide good, effective and accountable government;
 - (e) cooperate with one another in mutual trust and good faith, consult and inform one another, and coordinate their actions with one another;
 - (f) make decisions through a consistent, fair and transparent process;
 - (g) develop and maintain communications with the community;

- (h) strive to be effective and professional in their communication and business relationships with other governments;
- (i) commit to *pie yeh oht tiit shim* (*always learning*) by participating in leadership education initiatives;
- (j) foster the development of a collective understanding of and respect for Tla'amin Law; and
- (k) be required to take an oath of office.

Accountability and Fairness

- 33. The Tla'amin Government may establish procedures to remove elected officials from office.
- 34. In keeping with the fundamental values and governing principles of the Tla'amin Nation as set out in this Constitution, the following accountability and fairness measures will be put into practice and apply to the Tla'amin Government, Tla'amin Public Institutions and officials of the Tla'amin Government:
 - (a) the Tla'amin Government will provide procedures for the review or appeal of administrative decisions of the Tla'amin Government and Tla'amin Public Institutions, which will set out which decisions are open for review or appeal;
 - (b) the Tla'amin Government will make laws in respect of access to timely and accurate information held by Tla'amin Government and Tla'amin Public Institutions;
 - (c) the Tla'amin Government will make laws with respect to the protection of personal information and the handling, storage and distribution of information held by the Tla'amin Government and Tla'amin Public Institutions;
 - (d) the Tla'amin Government will establish and implement a code of conduct and conflict of interest policies that reflect the governing principles set out in this Constitution and establish penalties and remedies for conduct or behaviour that violates the code of conduct or conflict of interest policies; and
 - (e) the Tla'amin Government will establish a process for consultation with Tla'amin Citizens on issues that may impact on the collective interests and rights of Tla'amin Citizens, including capital transfer expenditures and land use planning.

Goals

35. To the extent reasonably possible in the circumstances and subject to receiving adequate funding, the Tla'amin Government will govern in a manner that advances the following goals:
- (a) Tla'amin Citizens have access to pre-school to grade 12 education, post-secondary education, adult education and continuing education;
 - (b) Tla'amin Citizens have access to nutrition, health care and social services;
 - (c) Tla'amin Citizens have access to housing;
 - (d) every Tla'amin child:
 - i. has a home with family care or, if removed from the family, appropriate alternative care; and
 - ii. is protected from maltreatment, neglect and abuse; and
 - (e) every Tla'amin Elder and disabled Tla'amin Citizen:
 - i. has, if required, family care or appropriate culturally-sensitive alternative care; and
 - ii. is protected from maltreatment, neglect and abuse.

Assemblies of the Nation

36. The Tla'amin Government will be required to hold at least one General Assembly every calendar year with at least 3 weeks written notice.
37. The Tla'amin Government may also call special assemblies to consider any matters of importance to the Tla'amin Nation.
38. The purpose of a General Assembly will be to:
- (a) consider and approve reports received from the Tla'amin Government and Tla'amin Public Institutions;
 - (b) determine general policy guidelines and directions for the Tla'amin Nation for the upcoming year; and
 - (c) make recommendations by way of resolution.

Composition of the Tla'amin Government

39. The Tla'amin Government is composed of:

- (a) a legislative branch; and
- (b) an executive branch.

A branch of the Tla'amin Government will not exercise the powers of another branch, except as this Constitution may permit.

40. The Tla'amin Government will make laws to establish:

- (a) the number of elected officials;
- (b) the number of appointed officials; and
- (c) administrative structures.

41. The Transitional Rules set out in Schedule A will apply from the effective date until the first election has taken place and the newly elected representatives have taken office.

Election Process

42. The Tla'amin Government will make laws in respect of Tla'amin elections for Tla'amin Government and Tla'amin Public Institutions and referenda, including the establishment of:

- (a) voter qualification;
- (b) qualifications of candidates for election to office;
- (c) the independent office of the chief electoral officer to administer elections and referenda; and
- (d) procedures for conducting elections and referenda.

43. A law made under section 42 must be consistent with the following:

- (a) the term of office for each elected representative of Tla'amin Government may not exceed five years; and
- (b) the majority of members of the executive and legislative branches of Tla'amin Government must be elected.

Tla'amin Public Institutions

44. The Tla'amin Government may by law establish one or more Tla'amin Public Institutions to perform specific functions.
45. The Tla'amin Government may recognize existing Tla'amin societies and corporations as Tla'amin Public Institutions.

Advisory Bodies

46. The Tla'amin Government may establish one or more community advisory bodies to provide input into the development of Tla'amin Law and policy direction.
47. Advisory bodies will be composed of Tla'amin Citizens and other individuals who represent various interests relevant to the Tla'amin Nation, as determined from time to time at a Tla'amin General Assembly or by the Tla'amin Government.
48. Advisory bodies are not Tla'amin Public Institutions.

Representation of Tla'amin Citizens Residing Outside Tla'amin Lands

49. The Tla'amin Government may create one or more bodies that represent the collective interests of Tla'amin Citizens that live outside Tla'amin Lands.
50. A body established under section 49 of this Constitution will provide advice to and inform the Tla'amin Government about the views of Tla'amin Citizens living outside Tla'amin Lands.
51. If the Tla'amin Government creates a body under section 49, the Tla'amin Government will:
 - (a) develop procedures for establishing, changing or dissolving a body referred to in section 49. Procedures will include setting the qualifications for participation on an advisory body, the term of participation, resourcing of the advisory body and any other matters that may be necessary;
 - (b) develop procedures for reporting requirements between that body and the Tla'amin Government;
 - (c) determine the geographical boundaries of the area that body represents; and
 - (d) determine the structure, function and authority invested in that body.

A: LEGISLATIVE BRANCH OF TLA'AMIN GOVERNMENT

52. The Tla'amin Government legislative branch consists of all of the members of the Tla'amin Government, including the members of the Tla'amin Government Executive.
53. The principal role of the legislative branch will be to enact laws.

Enactment of Tla'amin Law

54. The Tla'amin Government will, by Tla'amin Law, establish procedures to:
 - (a) develop and pass Tla'amin Laws;
 - (b) bring Tla'amin Laws into force and effect; and
 - (c) publish Tla'amin Laws.
55. The procedure for passing a Tla'amin Law will require that at least a majority of those who vote on a proposed law vote in favour of the law.
56. The Tla'amin Government will establish and maintain a public registry of Tla'amin Laws in the English language, which will be the authoritative version of Tla'amin laws and, at the discretion of Tla'amin, in the Tla'amin language.
57. A copy of a Tla'amin Law deposited in the public registry of Tla'amin Laws is conclusive evidence of the provisions of that law.

Public Information and Review of Legislation

58. The Tla'amin Government will establish procedures to inform and receive comments from Tla'amin Citizens on proposed laws.
59. Procedures established under section 58 may include referrals to other persons, agencies or governments.

B. TLA'AMIN GOVERNMENT EXECUTIVE

60. The Tla'amin Government Executive consists of:
 - (a) the Tla'amin Government Hegus (Chief); and
 - (b) four elected officials.

61. The principal role of the executive branch will be to oversee the implementation and enforcement of Tla'amin Laws and manage the function of the Tla'amin Chief Executive Officer.

Authority of the Tla'amin Government Executive

62. The Tla'amin Government Executive may:

- a. exercise the authority, responsibility and functions:
 - i. assigned to it by this Constitution or a Tla'amin Law; and
 - ii. assigned or delegated to it by the Tla'amin Government;
- b. do such things as may be necessarily incidental to the exercise of those authorities, responsibilities and functions;
- c. represent the Tla'amin Nation in intergovernmental relations, subject to and in accordance with any direction from the Tla'amin Government;
- d. exercise any power of the Tla'amin Government to appoint a person to any office or position in a Tla'amin Public Institution or the Tla'amin Government, in accordance with Tla'amin Law;
- e. assign to any member of the Executive responsibility for the administration, application and enforcement of any Tla'amin Law or administrative function, unless that responsibility is otherwise assigned by Tla'amin Law; and
- f. assign one of its members to act temporarily on behalf of another member who is unable to perform a function assigned under this section.

Delivery of Programs and Services

63. Programs and services provided by the Tla'amin Government and Tla'amin Public Institutions will be administered without bias, according to policies set out by the Tla'amin Government or a Tla'amin Public Institution.

Hiring and Promotion of Employees

64. Employees of the Tla'amin Government and Tla'amin Public Institutions will be hired and promoted based on merit, suitability and ability to perform the requirements of the job.

C: DISPUTE RESOLUTION, JUDICIAL PROCESSES AND PROSECUTIONS

Principles of Dispute Resolution

65. The Tla'amin Government and Tla'amin Public Institutions will seek to resolve disputes based on the fundamental values and governing principles expressed in this Constitution.

Review and Appeal of Administrative Decisions

66. Tla'amin Government will establish processes for review or appeal of administrative decisions made by Tla'amin Government and Tla'amin Public Institutions.
67. These processes for review or appeal referred to in section 66 may provide for a right of appeal to the Supreme Court of British Columbia.
68. An application for judicial review to the Supreme Court of British Columbia under section 67 may not be brought until all processes for review or appeal established under section 66 and applicable to that decision, have been exhausted.
69. The *Judicial Review Procedure Act* applies to an application for judicial review under section 67.

Challenging Tla'amin Law

70. The validity of a Tla'amin Law may be challenged in the Supreme Court of British Columbia.
71. The Tla'amin Government may establish a process for challenging the validity of a Tla'amin Law, prior to being able to challenge that law in the Supreme Court of British Columbia.

Prosecutions of Offences

72. The Provincial Court of British Columbia has jurisdiction to hear prosecutions of offences under Tla'amin Law.

PART 5: FINANCIAL ADMINISTRATION

Principles of Financial Administration

73. The Tla'amin Government will manage the financial affairs of the Tla'amin Nation in a manner that:
 - a. is responsible, open, transparent and accountable; and
 - b. provides for effective and efficient management of Tla'amin financial resources.
74. The Tla'amin Government will manage the financial affairs of the Tla'amin Nation in accordance with Tla'amin Law.
75. Any member of the Tla'amin Government or Tla'amin official authorized to spend Tla'amin funds will at all times be held accountable to the Tla'amin Nation for such funds and will be required to provide records of such expenditures in accordance with Tla'amin Law.

Tla'amin Finance Committee

76. The Tla'amin Government will establish a Tla'amin Finance Committee, which is comprised of members who are independent.
77. The Tla'amin Finance Committee may make recommendations to the Tla'amin Government on any matter addressed:
 - a. in this Part; or
 - b. in a Tla'amin Law relating to financial matters.
78. The Tla'amin Government will establish rules and terms of reference for the Tla'amin Finance Committee, including:
 - a. rules of procedure;
 - b. frequency of meetings;
 - c. the requirement to keep minutes of its meetings and records of decisions;
 - d. time periods for performing duties; and
 - e. ability to seek advice from persons with relevant expertise.

79. The Tla'amin Finance Committee may establish additional rules of procedure that are consistent with rules and terms of reference established under section 78.
80. The Tla'amin Government will request and consider a report from the Tla'amin Finance Committee before:
 - a. amending or replacing any of the following agreements:
 - i. the initial Fiscal Financing Agreement;
 - ii. the initial agreement respecting Tla'amin's contribution to the funding of Agreed Upon Programs and Services from its own source revenues negotiated in accordance with the Fiscal Relations Chapter of the Tla'amin Final Agreement; or
 - iii. the initial taxation agreement negotiated in accordance with the Taxation Chapter of the Tla'amin Final Agreement; or
 - b. ratifying, amending or replacing any agreement other than one described in subsection (a) that will materially affect Tla'amin's financial position.
81. The Tla'amin Government will request and consider a report from the Tla'amin Finance Committee before making any Law that will materially affect the financial position of the Tla'amin Nation.

Control of Financial Administration

82. The Tla'amin Government will make Laws to establish a system of financial administration:
 - a. through which the Tla'amin Government will be financially accountable to Tla'amin Citizens;
 - b. that includes standards comparable to those generally accepted for governments in Canada;
 - c. that includes rules for determining whether the members of the Tla'amin Finance Committee are independent;
 - d. that meets the requirements of the Tla'amin Final Agreement and any agreements negotiated in accordance with that agreement; and

- e. that governs the financial management of the Tla'amin Government, Tla'amin Public Institutions, Tla'amin Corporations and partnerships entered into on behalf of the Tla'amin Nation and Tla'amin Corporations.

Auditing

- 83. The Tla'amin Government and Tla'amin Public Institutions are required to conduct annual financial audits. Such audits will be conducted in accordance with standards and principles set out in Tla'amin Law.
- 84. The Tla'amin Government and Tla'amin Public Institutions are required to present their annual audited financial statements for the previous fiscal year to Tla'amin Citizens at each General Assembly.
- 85. The Tla'amin Finance Committee will:
 - a. appoint an auditor;
 - b. oversee the audit process in a manner that respects the independence of the auditor; and
 - c. review the recommendations of the auditor.

Budgets

- 86. The Tla'amin Government will make Laws that prescribe the timing and form of budgets to be introduced and the process for preparing and approving budgets.

Tla'amin Settlement Trusts

87. The Tla'amin Government will establish one or more settlement trusts ("Tla'amin Settlement Trusts") to preserve and protect the Capital Transfer provided in accordance with the Tla'amin Final Agreement, except for the fishing vessel fund, and amounts received under the Resource Revenue Sharing Chapter and the income derived from the investment of those amounts. The trust document establishing these trusts will set out the framework for the prudent management, investment and disbursement of funds that are invested in the trust and the income derived therefrom.
88. Before establishing or amending a Tla'amin Settlement Trust, the Tla'amin Government will consult with Tla'amin Citizens.

Tla'amin Funds

89. The Tla'amin Government will establish and maintain a management framework for the Tla'amin Special Purpose Funds, as set out in Schedule B of the Tla'amin Own Source Revenue Agreement, and other similar funds established from time to time, which will be designed to ensure that funds are prudently managed to support the activities consistent with the purposes of those funds.
90. The Tla'amin Government will establish a capital asset fund and annually transfer to the capital asset fund the amount identified in the initial Tla'amin Fiscal Financing Agreement or a similar provision made in a subsequent Tla'amin Fiscal Financing Agreement.
91. The Tla'amin Government Executive will seek the advice and consider any recommendations of the Tla'amin Finance Committee before exercising its powers to manage the Tla'amin Special Purpose Funds.

Borrowing and Loan Guarantees

92. The Tla'amin Government will make a law setting out the conditions upon which the Tla'amin Government or a Tla'amin Public Institution may borrow funds, guarantee loans or engage in business activities that could materially affect the financial position of the Tla'amin Nation or a Tla'amin Public Institution by exposing their property, including lands and resources, revenues and other assets to material financial risk.

PART 6: GENERAL PROVISIONS

Force and Effect

93. Ratification of this Constitution requires that a majority (at least 50 percent plus one) of Eligible Voters vote in favour of the Constitution.
94. Once ratified in accordance with section 93, this Constitution comes into force on the Effective Date.
95. In the event that this Constitution is approved but the Tla'amin Final Agreement is not, the Constitution will be revised to reflect the legal status of the Sliammon Indian Band. The revised constitution may then be voted on.

Constitution Amendments

96. Subject to section 98, this Constitution may be amended only in accordance with the following procedures:
 - a. Tla'amin Government will by resolution propose an amendment;
 - b. the Tla'amin Government Executive will direct the chief electoral officer to hold a referendum on a date set by the Tla'amin Government Executive that is at least 90 days after the date on which the Executive gives direction to the chief electoral officer;
 - c. Tla'amin Government will provide Eligible Voters with at least three weeks written notice of the proposed amendment; and
 - d. if 50 percent plus one of Eligible Voters voting in the referendum vote in favour of the proposed amendment, this Constitution is amended accordingly.
97. Any amendment to this Constitution must be consistent with the Tla'amin Final Agreement.
98. The Tla'amin Government Executive may amend this Constitution by resolution at any time in respect of:
 - a. correction of matters of a mere clerical or administrative nature;
 - b. changing the name of a Tla'amin Public Institution to another name adopted by that body; and

- c. replacing any word or expression in the following list with either a different English word or expression or with an alternative word or expression in the Tla'amin language:
 - i. chief electoral officer;
 - ii. Tla'amin Government; or
 - iii. Tla'amin Government Executive.

Interpretation

- 99. The Tla'amin language is used in this Constitution for cultural context. The English version of the Declaration and Preamble to this Constitution is the authoritative version for interpretation purposes. Where English words are used to translate Tla'amin words, the English word will be relied upon as authoritative for interpretation purposes.

Definitions and Terminology

- 100. Words and phrases used in this Constitution have the same meaning as those words and phrases have in the Tla'amin Final Agreement.

SCHEDULE A: TRANSITIONAL RULES

TRANSITION RULES

Interpretation

1. In this Schedule
 - a) “**Effective Date**” means the date that the Tla’amin Constitution and the Tla’amin Final Agreement takes effect;
 - b) “**first election**” means the election required by section 3 of this Schedule;
 - c) “**former Band Council**” means the Band Council that was organized under the *Indian Act* and had jurisdiction immediately before the Effective Date; and
 - d) “**Indian Act**”, means the *Indian Act*, R. S. C. 1985, c. 1-5.

Land Use Plans

2. A land use plan adopted by the Band Council and in effect immediately before the Effective Date is a land use plan of the successor Tla’amin Government in effect as of the Effective Date until it is altered, repealed or replaced by the Tla’amin Government.

Election

3. An election of Tla’amin Government will be held no later than six months after the Effective Date.

Interim Structures of Government

4. As of the Effective Date:
 - a) the individual who held the office of Chief of the Band Council immediately before the Effective Date is the President of the Tla’amin Government;
 - b) an individual who held the office of Councilor of the Band Council immediately before the Effective Date is a member of the Tla’amin Executive; and
 - c) for greater certainty, Chief and Council will have the authority to act as both the Tla’amin Legislature and Tla’amin Government Executive during the transition period.
5. Each person who assumes office in the Tla’amin Government in accordance with section 4 of this schedule serves for a term that expires upon the swearing in of the successful candidates in the first election.

Vacancy

6. If, at any time between the Effective Date and the date of the first election, a vacancy exists in the office of President, the Tla'amin Government Executive will elect one of its members to fill that vacant office until the first election.

Other Transitional Rules

7. Tla'amin Government may make any additional transition rules consistent with the Final Agreement to deal with any matter that, in the opinion of the Tla'amin Government, is not adequately addressed in this Schedule.