

**POLICY RESPECTING
PUBLICATION IN FIRST NATIONS GAZETTE, 2019**

**PART I
PREAMBLE**

WHEREAS:

- A. Policies are established by the Commission to further the policy objectives of the Commission and to assist the Commission in fulfilling its statutory obligations under the *First Nations Fiscal Management Act*;
- B. Subsection 34(1) of the Act requires that all local revenue laws approved by the Commission and all standards and procedures established by the Commission under section 35 be published in the *First Nations Gazette*;
- C. Subsection 55(4) of the Act requires that all laws enacted under section 9 and approved by the Board and all standards established by the Board under subsection 55(1) be published in the *First Nations Gazette*;
- D. Section 86 of the *Indian Act* provides as an option the publication of by-laws enacted under that Act in the *First Nations Gazette*;
- E. The Commission ensures the publication in the *First Nations Gazette* of all First Nation by-laws enacted under section 83 of the *Indian Act* and approved by the Minister, and enables the publication of other *Indian Act* by-laws that are submitted for publication; and
- F. The Commission enables the publication of other First Nation laws, by-laws, codes and other enactments submitted to the *First Nations Gazette* for publication.

**PART II
PURPOSE**

The purpose of this Policy is to set out the policies and procedures for publication in the *First Nations Gazette* of First Nation enactments, Commission standards, policies, procedures, sample laws and sample by-laws, and Board standards and sample laws.

**PART III
APPLICATION**

This Policy applies to every law, by-law, code or other enactment submitted for publication in the *First Nations Gazette*.

**PART IV
CITATION**

This Policy may be cited as the *Policy respecting Publication in the First Nations Gazette, 2019*.

**PART V
DEFINITIONS**

In this Policy:

“Act” means the *First Nations Fiscal Management Act*, S.C. 2005, c. 9, and the regulations enacted under that Act;

“Board” means the First Nations Financial Management Board established under the Act;

“Commission” means the First Nations Tax Commission established under the Act;

“Commission address” means the mailing address and contact information of the head office of the Commission, being

First Nations Tax Commission
321 – 345 Chief Alex Thomas Way
Kamloops, BC V2H 1H1
Phone: (250) 828-9857
Fax: (250) 828-9858
Email: mail@fntc.ca;

“Commission Ottawa address” means the mailing address and contact information of the Ottawa office of the Commission, being

First Nations Tax Commission
202-190 O’Connor Street
Ottawa ON, K2P 2R3
Phone: (613) 789-5000
Fax: (613) 789-5008
Email: mail@fntc.ca;

“designated officer” means the person identified by the Board to coordinate with the FMA Registrar on the publication and translation of the Board standards and sample laws;

“Digital Gazette” means an electronic volume containing all of the laws, by-laws, codes and other First Nation enactments published on the Gazette website during a calendar year;

“financial administration law” means a law enacted under section 9 of the Act;

“First Nation” includes a band as defined in the *Indian Act*, a self-governing First Nation, and a treaty First Nation;

“FMA Registrar” means the person designated by the Commission as the FMA Registrar;

“FMA Registry” means the electronic and physical storing place of laws enacted under the Act and records of information associated with those laws;

“Gazette” means the *First Nations Gazette*;

“Gazette website” means the website of the Gazette, being <http://www.fng.ca>;

“Managing Editor” means the person designated by the Commission as the Managing Editor of the Gazette;

“Minister” means the Minister of Indian Affairs and Northern Development;

“sample by-law” means a sample by-law related to section 83 of the *Indian Act* prepared by the Commission or the Board for use and adaptation by First Nations;

“sample law” means a sample local revenue law prepared by the Commission, or a sample financial administration law prepared by the Board, for use and adaptation by First Nations;

“Section 83 Registrar” means the person designated by the Commission as the Section 83 Registrar; and

“Section 83 Registry” means the electronic and physical storing place of First Nation by-laws enacted under section 83 of the *Indian Act* and approved by the Minister, and records of information associated with those by-laws.

Except as otherwise provided in this Policy, words and expressions used in this Policy have the same meaning as in the Act.

PART VI

PUBLICATION OF LAWS ENACTED UNDER THE ACT

1. Publication of Local Revenue Laws

1.1 All local revenue laws approved by the Commission must be published in the Gazette as required by subsection 34(1) of the Act.

1.2 The FMA Registrar must, within five (5) business days after a local revenue law is registered in the FMA Registry,

- (a) publish a digital copy of the law in Part II of the Gazette website; and
- (b) deliver a copy of the law, in electronic format, to the Managing Editor.

2. Publication of Financial Administration Laws

2.1 All financial administration laws approved by the Board must be published in the Gazette as required by subsection 55(4) of the Act.

2.2 Laws for publication must be delivered to the FMA Registrar at the Commission address.

2.3 The FMA Registrar must, within five (5) business days after a financial administration law approved by the Board is registered in the FMA Registry,

- (a) publish a digital copy of the law in Part II of the Gazette website; and
- (b) deliver a digital copy of the law, in electronic format, to the Managing Editor.

PART VII

PUBLICATION OF SECTION 83 BY-LAWS

3. Publication of By-laws Enacted under Section 83 of the *Indian Act*

3.1 All by-laws enacted under section 83 of the *Indian Act* and approved by the Minister must be published in the Gazette.

3.2 By-laws for publication must be delivered to the Section 83 Registrar at the Commission Ottawa address.

3.3 The Section 83 Registrar must, within five (5) business days after a by-law enacted under section 83 of the *Indian Act* and approved by the Minister is registered in the Section 83 Registry,

- (a) publish a digital copy of the by-law in Part II of the Gazette website; and
- (b) deliver a digital copy of the by-law, in electronic format, to the Managing Editor.

PART VIII

PUBLICATION OF OTHER FIRST NATION ENACTMENTS

4. Publication of Other First Nation Enactments

4.1 The Gazette will accept for publication First Nation laws, by-laws, codes and other enactments that are not enacted under the Act or section 83 of the *Indian Act*.

4.2 A request for publication and a digital copy of the law, by-law, code or other enactment must be submitted by email to the Managing Editor.

- 4.3 A law, by-law, code or other enactment submitted for publication must include an enactment clause and be signed and dated by a quorum of the First Nation Council, except as provided in subsections 4.4, 4.5 and 4.6.
- 4.4 A land code made under the *First Nations Land Management Act* that is submitted for publication must be certified by a verifier appointed under that Act.
- 4.5 An enactment amending a land code made under the *First Nations Land Management Act* must be
- (a) certified as true copy of the original amending enactment; and
 - (b) accompanied by confirmation that the amending enactment was duly approved in accordance with the requirements set out in the First Nation's land code and the date of that approval.
- 4.6 A First Nation enactment submitted for publication that does not meet the requirements set out in subsection 4.3 and that is not referenced in subsections 4.4 or 4.5 must be
- (a) certified as true copy of the original enactment; and
 - (b) accompanied by confirmation that the enactment was duly approved in accordance with the First Nation's requirements and the date of that approval.
- 4.7 The certification and confirmation required by subsection 4.5 or subsection 4.6 must be provided by a person duly authorized by the Council of the First Nation to provide the required certification and confirmation on behalf of the First Nation.
- 4.8 After receiving a publication request, the Managing Editor may
- (a) request additional information or documentation to support the request; and
 - (b) require the First Nation to provide the enactment in a specified format.
- 4.9 The Managing Editor may, in his or her sole discretion, refuse to publish a law, by-law, code or other enactment submitted under this Part.
- 4.10 After receiving a publication request and receiving any additional information or documents under subsection 4.8 and subject to subsection 4.9, the Managing Editor must publish a digital copy of the law, by-law, code or other enactment in Part II of the Gazette website
- (a) within five (5) business days of receipt, or
 - (b) on a later date where indicated in the publication request.

PART IX

COMMISSION STANDARDS, PROCEDURES, POLICIES AND SAMPLE LAWS

5. Publication of Standards, Procedures, Policies and Sample Laws

- 5.1 The following documents must be published in the Gazette:
- (a) all standards and procedures established by the Commission under section 35 of the Act;
 - (b) all sample laws approved by the Commission; and
 - (c) other policies or procedures approved by the Commission and directed by the Commission to be published in the Gazette.
- 5.2 All documents referenced in subsection 5.1 must be published in the Gazette in both official languages.
- 5.3 The FMA Registrar must, within five (5) business days after a document referenced in subsection 5.1 is translated,

- (a) publish a digital copy of the document in Part III of the Gazette website; and
- (b) deliver a digital copy of the document, in electronic format, to the Managing Editor.

PART X

COMMISSION AND BOARD SECTION 83 POLICIES, PROCEDURES AND SAMPLE BY-LAWS

6. Publication of Commission Policies, Procedures and Sample By-laws

6.1 All policies and procedures related to section 83 of the *Indian Act* and approved by the Commission and all sample by-laws approved by the Commission must be published in the Gazette, in both official languages.

6.2 The Section 83 Registrar must, within five (5) business days after a Commission document referenced in subsection 6.1 is approved and translated,

- (a) publish a digital copy of the document in Part III of the Gazette website; and
- (b) deliver a digital copy of the document, in electronic format, to the Managing Editor.

7. Publication of Board Policies, Procedures and Sample By-laws

7.1 The Gazette must publish all policies and procedures related to section 83 of the *Indian Act* and approved by Board and all sample by-laws approved by the Board that are provided to the Gazette for publication.

7.2 Documents referenced in subsection 7.1 that are provided to the Gazette for publication must be provided in both official languages and delivered to the Section 83 Registrar at the Commission Ottawa address.

7.3 The Section 83 Registrar must, within five (5) business days after receiving a document referenced in subsection 7.1 in both official languages,

- (a) publish a digital copy of the document in Part III of the Gazette website; and
- (b) deliver a digital copy of the document, in electronic format, to the Managing Editor.

PART XI

PUBLICATION OF BOARD STANDARDS AND SAMPLE LAWS

8. Publication of Standards and Sample Laws

8.1 The Board must provide each standard established under section 55 of the Act to the FMA Registrar for publication in the Gazette.

8.2 The Gazette must publish all sample laws approved by the Board that are provided to the Gazette for publication.

8.3 Documents referenced in subsections 8.1 and 8.2 that are provided to the Gazette for publication must be provided in both official languages and delivered to the FMA Registrar at the Commission address.

8.4 The FMA Registrar must provide to the Managing Editor the standard or sample law received under subsection 8.3, in both official languages, for publication in the Gazette.

8.5 The Managing Editor may communicate directly with the designated officer for any clarification needed, or respecting any errors or omissions, in the form or content of a standard or sample law, or in the translation of the document.

8.6 The Managing Editor must, within five (5) business days after a Board standard or sample law is in final form and translated, publish a digital copy of the standard or sample law in Part III of the Gazette website.

PART XII DIGITAL GAZETTE

9. Annual Digital Gazette

9.1 The Managing Editor must produce an annual Digital Gazette containing all laws, by-laws, codes and other enactments published on the Gazette website in each calendar year.

9.2 The Managing Editor must maintain the Digital Gazette on the Gazette website in a format that may be downloaded as a digital volume.

9.3 Each month, the Managing Editor must update and consolidate the Digital Gazette volume for that calendar year.

9.4 Each annual volume of the Digital Gazette must be given a citation in the format of “F.N. Gaz.year.volume”.

9.5 After the end of each calendar year, the Managing Editor must submit a copy of the final, consolidated Digital Gazette volume for that year to Library and Archives Canada.

PART XIII GENERAL PROVISIONS

10. Publication Format

10.1 All laws, by-laws, codes and other enactments published in the Gazette are digitally imaged and reproduced in the exact form in which they are submitted to the Commission for publication, subject only to minor formatting alterations for publication purposes in the Digital Gazette.

10.2 Each law, by-law, code or other enactment published in the Gazette is reproduced only in the language in which it is submitted to the Commission for publication.

11. Inquiries and Contact Information

11.1 Inquiries with respect to the publication process may be made to the Managing Editor.

11.2 The Managing Editor may be contacted at the Commission address, by email at editor@fng.ca, or through the “contact us” form on the Gazette website.

12. General Requirements

The requirements set out in this Policy are in addition to any requirements set out in the Act.

PART XIV EFFECTIVE DATE

This Policy is established and in effect as of September 24, 2019.