

**POLICY RESPECTING
THE FIRST NATIONS GAZETTE
PUBLIC NOTIFICATION SERVICE, 2018**

**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. The Commission operates the *First Nations Gazette*, a digital publication that provides public notice of First Nation laws, by-laws and other enactments, and serves as the authoritative reference for First Nation law in Canada;
- C. The *First Nations Gazette* provides an online public notification service for the publication of notices respecting Aboriginal matters by First Nation governments, other governments, government institutions, and the private sector; and
- D. Public notice supports transparency in law-making and governance, and the public notification service provides a mechanism for First Nation governments and others to give notice of a broad range of matters and for the public to access those notices, at no cost.

**PART II
PURPOSE**

The purpose of this Policy is to set out the scope and operation of the *First Nations Gazette* public notification service and to provide policies and procedures for the use of the Service. This Policy governs the operation and use of the public notification service.

**PART III
APPLICATION**

This Policy applies to every Notice submitted for publication on the *First Nations Gazette* public notification service and to every Client using the Service and accessing the Gazette website.

**PART IV
CITATION**

This Policy may be cited as the *Policy respecting the First Nations Gazette Public Notification Service, 2018*.

**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;

“business day” means a day other than a Saturday or a holiday;

“Client” means a person who uses the Service to request the publication of a Notice;

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

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

“Gazette” means the *First Nations Gazette*;

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

“government institution” means any board, commission or other body established to perform a government function by or pursuant to federal or provincial legislation;

“Managing Editor” means the Managing Editor of the *First Nations Gazette*;

“Notice” means a notice submitted for publication using the Service;

“Service” means the public notification service for the publication of Notices on the Gazette website;

“Submission Guide” means the *First Nations Gazette Public Notification Service Submission Guide*, published by the Commission from time to time; and

“Terms of Service” means the *Terms and Conditions of Service*, setting out the terms and conditions for using the Service and accessing the Gazette website.

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

PART VI

PROVISION OF PUBLIC NOTIFICATION SERVICE

1. Service Provision

- 1.1 The Commission provides for the ongoing operation of the Service, including
 - (a) the development, administration and maintenance of the Gazette website and associated technologies required to provide the Service; and
 - (b) the processing and publication of Notices submitted for publication using the Service.
- 1.2 The Commission may develop, publish and revise, as it determines necessary from time to time,
 - (a) policies and procedures respecting the Service;
 - (b) the Submission Guide; and
 - (c) the Terms of Service.

2. Scope and Limitations of Service

- 2.1 All aspects of the Service are accessed and provided online, including registration of accounts, submission of Notices and Notice publication.
- 2.2 The Gazette website is accessible to the public for viewing and to Clients for Notice submissions at all times, subject to both scheduled and unexpected interruptions due to system maintenance, and power or other service outages.
- 2.3 Notification will be given on the Gazette website of all scheduled interruptions to the Service.
- 2.4 Under no circumstances will the Commission be liable to a Client or to any other person for an interruption in the Service, whether scheduled or unscheduled, and whether arising out of the action or inaction of the Commission or for any other reason.

3. Format and Location of Published Notices

- 3.1 Notices accepted for publication are published on the Gazette website in electronic format.
- 3.2 Notices are published on the Gazette website at the location determined by the Managing Editor from time to time.
- 3.3 Published Notices may be viewed by the public on the Gazette website.
- 3.4 After a Notice has been published on the Gazette website for the requested time period, it may
 - (a) continue to be published on the Gazette website; or
 - (b) be archived on the Gazette website or in a different location.

4. Accepted Notices

- 4.1 The following categories of Notices are accepted for publication:
 - (a) Notices and announcements by First Nation governments, including those
 - (i) under or relating to legislation, such as the Act, the *Indian Act*, the *First Nations Land Management Act*, and the *First Nations Goods and Services Tax Act*,
 - (ii) under First Nation laws, by-laws or other enactments,
 - (iii) under a policy, procedure or standard of the Commission, other institution or government,
 - (iv) relating to elections and referenda conducted by a First Nation government,
 - (v) relating to appointments made by a First Nation government,
 - (vi) relating to lands, including treaty land entitlement, designations, land management, additions to reserve and expropriation, and
 - (vii) relating to claims and settlements;
 - (b) Notices and announcements by other governments (federal, territorial, provincial and municipal) and government institutions to First Nations, stakeholders and the public, including those
 - (i) under or relating to legislation,
 - (ii) relating to consultations and public input,
 - (iii) relating to proposed policies, procedures or standards under the Act,
 - (iv) relating to appointments made by governments and government institutions, and
 - (v) relating to Aboriginal and treaty rights;
 - (c) Notices and announcements by corporations, law firms and other persons respecting Aboriginal matters, including those
 - (i) under or relating to legislation,
 - (ii) relating to consultations and public input,
 - (iii) relating to orders and decisions,
 - (iv) relating to awards and appointments, and
 - (v) relating to legal proceedings.
- 4.2 Notices that contain the following will not be accepted for publication:
 - (a) advertising;
 - (b) content of a personal nature;

- (c) offensive or defamatory content;
- (d) political content; or
- (e) false, inaccurate, misleading or fraudulent information.

4.3 Notices that are contrary to this Policy or the Terms of Service will not be accepted for publication.

4.4 The Managing Editor may determine, in his or her sole discretion, whether a submitted Notice meets the criteria for publication in the Gazette.

4.5 The Managing Editor may, in his or her sole discretion, refuse to publish a Notice.

5. Publication Schedule

5.1 Subject to subsection 5.2, Notices will be published on an ongoing basis, as and when a Notice is accepted and approved for publication.

5.2 The Managing Editor may establish and publish on the Gazette website a schedule for the publication of Notices.

PART VII

USE OF PUBLIC NOTIFICATION SERVICE

6. Use of Service

6.1 Access to and use of the Service is provided on the terms and conditions, and subject to the requirements, set out in

- (a) this Policy;
- (b) the Submission Guide; and
- (c) the Terms of Service.

6.2 A Client must at all times comply with the terms, conditions and requirements referenced in subsection 6.1 when accessing and using the Service.

6.3 Each Client must accept and agree to be bound by the Terms of Service at the time of registration for an account, as a condition of using the Service.

7. Access to Service and Notice Submission

7.1 The Service is accessed online at the Gazette website.

7.2 To use the Service, a Client must

- (a) register for an account;
- (b) access the Service through the Client's account; and
- (c) use the online submission form to submit a Notice for requested publication.

8. Submission Requirements

8.1 A Client must provide, with each Notice submitted,

- (a) the requested date by which the Notice is to be published;
- (b) the number of times the Notice is to be published; and
- (c) any additional instructions respecting the Notice.

8.2 A Client must submit a Notice for requested publication by 12 noon (Pacific Standard Time) at least ten (10) business days before the requested publication date.

9. Client Responsibility

A Client is solely responsible for all aspects of a submitted Notice, including for ensuring that a Notice is provided in the form, with the content, within the time frame, and for the duration required by

- (a) this Policy;
- (b) any applicable enactment, including a statute, regulation, law or by-law; and
- (c) any other applicable policy, procedure or standard established by the Commission, other institution or government.

10. Review and Acceptance

10.1 The Managing Editor will process and review submitted Notices

- (a) on business days;
- (b) in the order they are received; and
- (c) where possible, within ten (10) business days of receipt.

10.2 The Managing Editor will review a Notice to determine whether all submission requirements are met.

10.3 In no circumstances will the Managing Editor advise a Client on any legal or substantive aspect of a Notice.

10.4 After reviewing a Notice under subsection 10.2, the Managing Editor will,

- (a) where a Notice meets all submission requirements, advise the Client that the Notice is accepted for publication and the anticipated publication date;
- (b) where a Notice does not meet all submission requirements, is incomplete, or contains errors or omissions, advise the Client
 - (i) that the Notice will not be published as submitted,
 - (ii) of the reasons the Notice will not be published as submitted, and of any errors or omissions in the Notice, and
 - (iii) whether there is sufficient time for corrections to be made to the submission before the requested publication date.

10.5 The Managing Editor may make changes to the font, format and style of a Notice submitted for publication in order to meet submission requirements.

11. Official Languages

11.1 Notices are accepted for publication in either or both official languages of Canada.

11.2 A Notice will be published in the language or languages in which it was submitted.

12. Cancellations

12.1 A Client may submit a request to cancel a Notice publication request if the Notice has not been published on the Gazette website.

12.2 Where a cancellation request is received before the Notice is published on the Gazette website, the Managing Editor will cancel the publication request.

12.3 Where a cancellation request is received after the Notice has been published on the Gazette website, the Managing Editor will advise the Client that the Notice has been published and cannot be cancelled.

13. Corrections

13.1 Where a Notice has been submitted for publication but has not been published, a Client may make a correction to the Notice by withdrawing the original version and submitting the corrected version.

13.2 Where a Client wishes to correct a published Notice, the Client may

- (a) submit a new Notice for the purposes of correcting the published Notice; and
- (b) request that the Managing Editor add a “correction” link to the original Notice to indicate that it has been corrected by the Client.

13.3 A Notice that has been published on the Gazette website can be corrected only in accordance with the procedure set out in this section.

14. Retractions

14.1 Where a Client wishes to retract a published Notice, the Client may submit a request to the Managing Editor that the Notice be retracted.

14.2 Where the Managing Editor receives a request under subsection 14.1, the Managing Editor will add a notation to the original Notice that it has been retracted and the date of the retraction.

14.3 A Notice can be retracted only in accordance with the procedure set out in this section.

PART VIII

GENERAL PROVISIONS

15. Enquiries and Contact Information

15.1 Inquiries with respect to the publication process can be made to the Managing Editor.

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

PART IX

EFFECTIVE DATE

This Policy is established and in effect as of September 19, 2018.