

**POLICY RESPECTING THE
FIRST NATIONS FISCAL MANAGEMENT ACT LAW REGISTRY, 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*; and
- B. Subsection 31(4) of the *First Nations Fiscal Management Act* requires the Commission to maintain a registry of every law approved by the Commission and every financial administration law made under section 9 of the Act.

**PART II
PURPOSE**

The purpose of this Policy is to provide policies and procedures for the maintenance and operation of the FMA Registry and the registration in the FMA Registry of First Nation laws enacted and approved under the Act.

**PART III
APPLICATION**

This Policy applies to the registration in the FMA Registry of every local revenue law approved by the Commission and every financial administration law approved by the Board.

**PART IV
CITATION**

This Policy may be cited as the *Policy respecting the First Nations Fiscal Management Act Law Registry, 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;
- “financial administration law” means a law enacted under section 9 of the Act;
- “First Nation” means a band named in the schedule to the Act;
- “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; and
- “law” means a local revenue law or a financial administration law.

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

**PART VI
REGISTRATION**

1. Registration of a Law

1.1 Every local revenue law approved by the Commission and every financial administration law approved by the Board must be registered in the FMA Registry in accordance with the procedures set out in this Policy.

1.2 The original of each law referenced in subsection 1.1 must be delivered to the FMA Registrar for registration in the FMA Registry.

1.3 On receipt of a law for registration, the FMA Registrar must

- (a) confirm that the law is accompanied by the evidence of approval referenced in subsection 2.2 or 2.3, as applicable;
- (b) record in the FMA Registry the information respecting the law that is required under subsection 4.3 or 4.4, as applicable;
- (c) deposit the registered law into the FMA Registry; and
- (d) provide written confirmation of registration to the First Nation.

1.4 The date of registration of a law is the actual date the FMA Registrar deposits the law into the FMA Registry.

1.5 A registered law must be retained in the FMA Registry as long as the law is in force and effect.

2. Requirements for Registration of a Law

2.1 The FMA Registry accepts only original laws for registration.

2.2 A local revenue law must be accompanied by a Commission certificate of approval displaying the Commission seal and signature of the Chief Commissioner or the Deputy Chief Commissioner.

2.3 A financial administration law must be accompanied by evidence satisfactory to the FMA Registrar of approval by the Board.

3. Laws No Longer in Force

3.1 Where the FMA Registrar is advised or becomes aware that a law is no longer in force because it has been repealed or has not been repealed but has otherwise ceased to be in force, the FMA Registrar must record in the FMA Registry that the law is no longer in force and the date of repeal, if applicable.

3.2 The FMA Registrar may remove a law that is no longer in force from the FMA Registry.

3.3 Where the FMA Registrar removes a law from the FMA Registry under subsection 3.2, the FMA Registrar must record in the FMA Registry the citation of the law and the date of removal of the law.

**PART VII
FMA REGISTRY**

4. FMA Registry

4.1 The FMA Registrar must maintain the FMA Registry.

4.2 The FMA Registrar may, consistent with this Policy, maintain and organize the FMA Registry in such form as the FMA Registrar may determine from time to time.

4.3 The FMA Registrar must record the following information in the FMA Registry in respect of each local revenue law:

- (a) the citation of the law;
- (b) the date of enactment of the law;

- (c) the date the law was approved by the Commission;
- (d) the date of coming into force of the law; and
- (e) the date of registration in the FMA Registry.

4.4 The FMA Registrar must record the following information in the FMA Registry in respect of each financial administration law:

- (a) the citation of the law;
- (b) the date of enactment of the law;
- (c) the date the law was approved by the Board;
- (d) the date of coming into force of the law; and
- (e) the date of registration in the FMA Registry.

5. Inspections

5.1 A registered law may be inspected by any person during regular Commission business hours.

5.2 A request to inspect a registered law must be made in writing and delivered to the FMA Registrar.

5.3 On receipt of a request under subsection 5.2, the FMA Registrar must, within five (5) business days from the date of receipt of the request, contact the person who made the request to arrange a time for inspection of the law.

6. True Copies of Law

6.1 The FMA Registrar is responsible for providing a true copy of a registered law when required under the Act or on receipt of a request.

6.2 A request for a true copy of a law must be made in writing and delivered to the FMA Registrar.

6.3 The FMA Registrar must provide a true copy of the requested law within five (5) business days from the date of receipt of a request.

6.4 The FMA Registrar must attach to the law a certificate, in the form set out in the Schedule, affirming that the copy is a true copy of the law registered in the FMA Registry.

PART VIII GENERAL PROVISIONS

7. Request for Information

7.1 The FMA Registrar may, on receipt of a request, provide statistical information respecting the FMA Registry in such form as the FMA Registrar determines appropriate.

7.2 A request for statistical information respecting the FMA Registry must be in writing and delivered to the FMA Registrar.

8. Requests and Enquiries

8.1 All requests and other enquiries with respect to the FMA Registry must be made to the FMA Registrar using the following contact information:

First Nations Tax Commission
321 – 345 Chief Alex Thomas Way
Kamloops, BC V2H 1H1

Telephone: (250) 828-9857

Fax: (250) 828-9858

Email: fmaregistrar@fntc.ca;

8.2 Requests required to be made in writing may be mailed, delivered, or sent by e-mail.

9. General Requirements

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

PART IX

EFFECTIVE DATE

This Policy is established and in effect as of June 26, 2019.

SCHEDULE



First Nations Tax Commission
Commission de la fiscalité des premières nations

I, _____, do hereby affirm, as the FMA Registrar for the First Nations Tax Commission, that the attached copy is a true copy of the law, [*Law Citation*], enacted on [Date Made] by the Council of the [First Nation], that is registered in the registry maintained under subsection 31(4) of the *First Nations Fiscal Management Act*.

Signed at Kamloops, British Columbia, this ____ day of _____, 20 ____.



FMA Registrar
First Nations Tax Commission