

**POLICY RESPECTING  
THE PUBLICATION OF NOTICES IN THE FIRST NATIONS GAZETTE, 2023**

**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*, which publishes First Nation legislation and enables the publication of notices respecting Indigenous matters by First Nation governments, other governments, government institutions, and the private sector; and
- C. Public notice supports transparency in law-making and governance, and the *First Nations Gazette* 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 policies and procedures for the publication of Notices in the *First Nations Gazette*.

**PART III  
APPLICATION**

This Policy applies to every Notice submitted for publication in the *First Nations Gazette* .

**PART IV  
CITATION**

This Policy may be cited as the *Policy respecting the Publication of Notices in the First Nations Gazette, 2023*.

**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 requests 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, a treaty First Nation and any other Indigenous government;
- “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 Gazette;  
“Notice” means a notice submitted for publication in the Gazette;  
“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 requesting the publication of a Notice and for 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 PUBLICATION OF NOTICES**

### **1. Role of Commission**

The Commission operates the Gazette and may develop, publish and revise, as it determines necessary from time to time,

- (a) policies and procedures respecting the publication of Notices;
- (b) the Submission Guide; and
- (c) the Terms of Service.

### **2. Scope and Limitations**

2.1 Notices are submitted for publication, published and accessed solely on the Gazette website.

2.2 The Gazette website is publicly accessible for viewing and 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.

2.4 Under no circumstances will the Commission be liable to a Client or to any other person for an interruption in the Gazette website, 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 Indigenous 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 their sole discretion, whether a submitted Notice meets the criteria for publication in the Gazette.

4.5 The Managing Editor may, in their 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 SUBMISSION OF NOTICES**

### **6. Submission of Notices**

6.1 The submission of a Notice is subject to terms, conditions and 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 submitting a Notice.

### **7. Submission Requirements**

7.1 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.

7.2 A Client must submit a Notice for publication at least five (5) business days before the requested publication date.

### **8. 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.

### **9. Review and Acceptance**

9.1 The Managing Editor will process and review a submitted Notice

- (a) on business days;
- (b) in the order a Notice is received; and
- (c) where possible, within five (5) business days of receipt.

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

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

9.4 After reviewing a Notice under subsection 9.2, 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.

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

## **10. Official Languages**

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

10.2 A Notice will be published in the language or languages in which it is submitted.

## **11. Cancellations**

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

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

11.3 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.

## **12. Corrections**

12.1 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.

12.2 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.

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

## **13. Retractions**

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

13.2 Where the Managing Editor receives a request under subsection 13.1, the Managing Editor will add a notation to the original Notice that it has been retracted and the date of the retraction.

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

**PART VIII**  
**GENERAL PROVISIONS**

**14. Enquiries and Contact Information**

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

14.2 The Managing Editor may be contacted at the Commission address, by email at [editor@fng.ca](mailto:editor@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, 2023.