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FIRST NATIONS FISCAL MANAGEMENT ACT

Whereas, in accordance with paragraph 2(3)(b) of the *First Nations Fiscal Management Act*, the council of the band referred to in the annexed Order has requested that the name of the band be deleted from the schedule to that Act;

And whereas, pursuant to paragraph 2(3)(b) of that Act, the band has no amounts owing to the First Nations Finance Authority;

Therefore, the Minister of Indian Affairs and Northern Development, pursuant to subsection 2(3) of the *First Nations Fiscal Management Act*, makes the annexed *Order Amending the Schedule to the First Nations Fiscal Management Act*.

Gatineau, January 29, 2019

Carolyn Bennett
Minister of Indian Affairs and Northern Development

Order Amending the Schedule to the First Nations Fiscal Management Act

Amendment

1 The schedule to the *First Nations Fiscal Management Act* is amended by deleting the following:

- Okanagan Indian Band

Coming into Force

2 This Order comes into force on the day on which it is registered.

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Order.)

Issues

On March 27, 2018, the Okanagan Indian Band, located in British Columbia, was added to the schedule to the *First Nations Fiscal Management Act*. On January 8, 2019, the band requested, through a band council resolution, to be removed from the schedule to the Act. The band plans to enact a financial administration by-law under section 83 of the *Indian Act*.

Background

Section 83 of the *Indian Act* provides that the council of a band may, subject to the approval of the Minister of Indian Affairs and Northern Development, make by-laws in some areas, such as taxation for local purposes of land or interests in land, expenditures, business licensing, officials' appointment, chiefs' and councillors' remuneration, arrears and interests payment and recovery, and band projects. The Minister of Indian Affairs and Northern Development may approve the whole or part only of a by-law and the Governor in Council may make regulations respecting the exercise of the by-law-making powers of a band.

On April 1, 2006, the *First Nations Fiscal Management Act* came into force. The Act supports economic development and well-being in First Nation communities by enhancing First Nations property taxation, creating a First Nations bond financing regime and supporting First Nations' capacity in financial management. These objectives are achieved through the national First Nation institutions established through the *First Nations Fiscal Management Act*. These institutions are the First Nations Finance Authority, the First Nations Tax Commission and the First Nations Financial Management Board.

Subsection 2(3) of the *First Nations Fiscal Management Act* states that the Minister of Indian Affairs and Northern Development may, by order, at the request of the council of a band, amend the schedule to the Act in order to add or change the name of a band, or delete the name of a band, as long as there are no amounts owing by the band to the First Nations Finance Authority that remain unpaid.

The council of the Okanagan Indian Band confirmed, through its band council resolution of January 7, 2019, that the band has not enacted financial administration laws and/or local revenue laws under the *First Nations Fiscal Management Act*, has not been a borrowing member as defined in the *First Nations Fiscal Management Act*, has not obtained financing from the First Nations Finance Authority and has no amounts owing to the First Nations Finance Authority that remain unpaid.

Objectives

By virtue of an order made under subsection 2(3) of the *First Nations Fiscal Management Act* by the Minister of Indian Affairs and Northern Development, that the name of the Okanagan Indian Band be removed from the schedule to the Act.

Description

This *Order Amending the Schedule to the First Nations Fiscal Management Act*, made pursuant to subsection 2(3) of the Act, removes the Okanagan Indian Band from the schedule.

The Okanagan Indian Band may — should the leadership so choose and subject to the approval of the Minister of Indian Affairs and Northern Development — enact a financial administration by-law in accordance to section 83 of the *Indian Act*.

“One-for-One” Rule

The “One-for-One” Rule does not apply to this Order, as it does not result in any administrative costs or savings for businesses.

Small business lens

The small business lens does not apply to this Order, as it does not impose any level of compliance and/or administrative costs on small businesses.

Consultation

Given that this *Order Amending the Schedule to the First Nations Fiscal Management Act* implements a request by the Okanagan Indian Band to have its name removed from the schedule to the Act, it is not considered necessary to undertake consultations over and above those already conducted by the Okanagan Indian Band with the residents of its community.

Rationale

The Okanagan Indian Band is being removed from the schedule to the *First Nations Fiscal Management Act* at the request of the council of the band, which is seeking to enact financial administration by-law under section 83 of the *Indian Act*.

Implementation, enforcement and service standards

There are no compliance and enforcement requirements associated with this *Order Amending the Schedule to the First Nations Fiscal Management Act* and no implementation or ongoing costs which can be directly associated with removing a band from the schedule to the *First Nations Fiscal Management Act*.

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