**A5**

Financial Administration Law

**Assessment guide**

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April 1, 2016



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| **NAME OF FIRST NATION** |  | | |
| **CONTACT PERSON** |  | | |
| **EMAIL** |  | **TEL:** |  |
| **DATE** |  | | |

**To be completed by Reviewer:**

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| --- | --- | --- | --- |
| **NAME OF REVIEWER** |  | | |
| **EMAIL** |  | **TEL:** |  |
| **DATE** |  | | |
|  |  | | |

**This Assessment applies to the [Citation Name of the First Nation’s Financial Administration Law, 201●]**

**This Law [does/does not] contain provisions respecting local revenues. Standards relating to local revenue requirements are highlighted for reference purposes only.**

| **FAL Standard Number** | **Description** | | | **First Nation Law References** | | **LR Sample Law**  **References** | **Comments** | **FMB Office Use**  **Meets Standard** | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Yes** | **NO** |
| **5.0** | **COMPREHENSION AND INTERPRETATION** | | | | | | | | |
| 5.1 | *Provisions for certainty*: Does the FAL include necessary provisions to provide greater certainty in the meaning of the law including the interpretation of its provisions? | | |  | | 2 - 5 |  |  |  |
| 5.2 | *Permitted Definitions*: The FAL may include a provision that defines words and phrases used in the FAL or by reference incorporates definitions used in the *First Nations Fiscal Management Act* (“the FMA”) or other federal legislation? | | |  | | 2 |  |  |  |
| 5.3 | *Required definitions*: Does the FAL include definitions if they are necessary to satisfy standard 5.1? | | |  | | 2 |  |  |  |
| 5.4 | *Clarity*: Is the FAL written in a clear and unambiguous manner so that readers will understand what the FAL requires to be done or what actions the law permits to be taken? | | |  | |  |  |  |  |
| 5.5 | *Internal logic*: Is the subject matter of the FAL logically organized? | | |  | |  |  |  |  |
| 5.6 | *Consistency*: Are the provisions of the FAL consistent with each other? | | |  | |  |  |  |  |
| **6.0** | **CONFLICT BETWEEN LAWS** | | |  | | | | | |
| 6.1 | *Between FAL and Act:* Does the FAL provide for the prevalence of the FMA and its regulations in the event of a conflict with the FAL? | | |  | | 6(2) |  |  |  |
| 6.2 | *Between FAL and other first nation law:* Does the FAL provide for the prevalence of the FAL over other laws of that first nation, other than a code or local revenue law, in the event of a conflict with the FAL? | | |  | | 6(1) |  |  |  |
| 6.3 | *Between FAL and Local Revenue law*: Does the FAL provide for the prevalence of the local revenue law in the event of a conflict with the FAL? | | |  | | N/A |  |  |  |
| **7.0** | **APPLICATION** | | |  | | | | | |
| 7.1 | *Extent of application*: Is there a provision stating that the FAL applies to the financial administration of all money and financial assets belonging to, or under the care or control of, the first nation? | | |  | | 7 |  |  |  |
| **8.0** | **FIRST NATION COUNCIL** | | |  | | | | | |
| 8.1 | *Responsibility*: Does the FAL make the council responsible for the financial administration of the first nation whether or not any part of that function is assigned or delegated to an officer, employee, committee, contractor or agent under the FAL? | | |  | | 8(1) |  |  |  |
| 8.2.a | *Delegation*: Does the FAL permit the council to delegate to an officer, employee, committee, contractor or agent any function of the council respecting the financial administration of the first nation except:   * The approval of policies or procedures or the giving of directions respecting any financial administration matter which under the FALare the responsibility of the council, | | |  | | 8(2)(a) |  |  |  |
| 8.2.b | * The approval of budgets and first nation borrowing, | | |  | | 8(2)(c) and (d) |  |  |  |
| 8.2.c | * The approval of financial statements of the first nation, and | | |  | | 8(2)c) |  |  |  |
| 8.2.d | * The appointment of members, chairperson and vice-chairperson of the finance and audit committee. | | |  | | 8(2)(b) |  |  |  |
| 8.3.1 | *Policies, procedures and directions*: *Authority to make*: Does the FAL allow the council to establish policies and procedures and to give directions, not inconsistent with the FAL and generally accepted accounting principles, respecting the financial administration of the first nation? | | |  | | 9(1), (3) |  |  |  |
| 8.3.2 | *Policies, etc. for assets*: Does the FAL require the council to establish appropriate policies or procedures or to give directions respecting the acquisition, management and safeguarding of first nation assets? | | |  | | 9(2) |  |  |  |
| 8.3.3 | *Documentation of policies*: Does the FAL require the council to document all its policies, procedures and directions respecting financial administration? | | |  | | 9(5) |  |  |  |
| 8.3.4 | *Making policies available:* Does the FAL require the council to make available all its policies, procedures and directions to all affected persons? | | |  | | 9(5) |  |  |  |
| **9.0** | **REPORTING OF REMUNERATION AND EXPENSES** | | | | | | | | |
| 9.1 | Defined terms: Does the FAL define “entities”, “expenses” and “remuneration” as set out in the Standard? | | |  | | 10(1) |  |  |  |
| 9.2 | *Annual report*: Does the FAL require an annual report to be prepared listing for each councillor the remuneration paid and expenses reimbursed by the first nation, and any entities whether such amounts are paid while acting as councillor or in any other capacity? | | |  | | 10(2), 75(b) |  |  |  |
| **10.0** | **FINANCE AND AUDIT COMMITTEE (“FAC”)** | | | | | | | | |
| 10.1.1 | *Committee established*: Does the FAL provide for the establishment, makeup and characteristics of a FAC– which may be named as appropriate to reflect the committee’s functions? | | |  | | 12(1) |  |  |  |
| 10.1.2 | *Reporting to council*: Does the FAL require the FAC to report to council and to provide council with advice and recommendations to support its decision-making process? | | |  | | 12(1), 14(7) |  |  |  |
| 10.1.3 | *Membership*: Does the FAL specify the required number of councillors to be members of the FAC? One councillor for three member FAC; Two councillors for four or more member FAC. | | |  | | 12(5) |  |  |  |
| 10.1.4 | *Financial competency:* Does the FAL require a majority of members of the FAC to have financial competency as defined in the FAL Standards? | | |  | | 12(2) |  |  |  |
| 10.1.5 | *Number of members*: Does the FAL require the FAC to have no fewer than three members? | | |  | | 12(2) |  |  |  |
| 10.1.6.1 | *Independent: Defined Term:* Does the FAL define “independent” as set out in Standard 10.1.6.1? | | |  | | 12(3) |  |  |  |
| 10.1.6.2 | *Members to be Independent:* Does the FAL require FAC members to be independent? | | |  | | 12(2) |  |  |  |
| 10.1.6.3.a | *Required Policies:* Does the FAL require council to establish policies and procedures   * establishing criteria to determine if an individual is eligible to be a member of FAC and is independent? | | |  | | 12(4)(a) |  |  |  |
| 10.1.6.3.b | * requiring confirmation before appointment that each potential member of FAC is eligible to be a member and is independent? | | |  | | 12(4)(b) |  |  |  |
| 10.1.6.3.c | * requiring each member of FAC annually to sign a statement confirming that the member continues to meet the criteria for determining the member is eligible to be a member of FAC and is independent? | | |  | | 12(4)(c) |  |  |  |
| 10.2.1.a | *Terms of office*: Does the FAL require the terms of office of FAC members:   * To be long enough to permit the members to develop a critical understanding of the financial administration system? | | |  | | 12(6)(a) |  |  |  |
| 10.2.1.b | * To be staggered to ensure the continuing effectiveness of the FAC and to provide for succession planning? | | |  | | 12(6)(b) |  |  |  |
| 10.2.2 | *Cause for removal*: Does the FAL provide for the events or circumstances when FAC members may be removed from office? | | |  | | 12(7) |  |  |  |
| 10.2.3 | *Replacement member:* Does the FAL provide that if a FAC member is removed from office, resigns or dies before his or her term of office has ended, the council must as soon as practicable appoint a new member to hold office for the remainder of the first member’s term? | | |  | | 12(8) |  |  |  |
| 10.2.4 | *Permitted alternate member:* The FAL may permit council to establish a policy permitting the appointment of an alternate FAC member. If the FAL permits this policy does it require the alternate member to be a councillor who meets all the eligibility requirements for being a member of the FAC? | | |  | | n/a |  |  |  |
| 10.3.1 | *Appointment of Officers*: Does the FAL require the council to appoint the FAC chairperson and vice-chairperson – one of whom must be a councillor? | | |  | | 13(1) |  |  |  |
| 10.3.2 | *Notice of Meeting*: Does the FAL require the council to send notices and agendas of all council meetings to a non-councillor chairperson of the FAC? | | |  | | 13(2) |  |  |  |
| 10.3.3 | *Discretion of chairperson:* Does the FAL give a non-councillor chairperson of the FAC the discretion to attend and speak at council meetings and to request and be provided with materials or information provided to council respecting matters before it? | | |  | | 13(3) |  |  |  |
| 10.4.1 | *Quorum:* Does the FAL require a quorum for FAC of at least 50% of the total FAC members including at least one councillor? | | |  | | 14(1) |  |  |  |
| 10.4.2 | *Voting rights*: Does the FAL give each FAC member one vote (subject to recusal for a conflict of interest)? | | |  | | 14(2) |  |  |  |
| 10.4.3 | *Tied vote*: Does the FAL specify how a tie vote is managed? | | |  | | 14(3) |  |  |  |
| 10.4.4 | *Senior officer attendance*: Does the FAL require the attendance of the senior manager and senior financial officer at all FAC meetings, subject to reasonable exceptions? | | |  | | 14(4), (5) |  |  |  |
| 10.4.5.a | *Number of meetings*: Does the FAL require the following FAC meetings :   * At least once every quarter? | | |  | | 14(6)(a) |  |  |  |
| 10.4.5.b | * As soon as reasonably possible after receipt of the annual audit and audit report? | | |  | | 14(6)(b) |  |  |  |
| 10.4.6.a | *Committee minutes and report*: Does the FAL require FAC:   * To provide minutes of each meeting? | | |  | | 14(7)a) |  |  |  |
| 10.4.6.b | * To report to council on the substance of the meeting within a reasonable time after the meeting? | | |  | | 14(7)(b) |  |  |  |
| 10.4.7 | *Permitted rules*: The FAL may permit the FAC to make rules, not inconsistent with the FAL or any directions given by council, which FAC considers necessary for the conduct of its meetings. | | |  | | 14(8) |  |  |  |
| **10.5** | **COMMITTEE FUNCTIONS** | | | | | | | | |
| 10.5.1.a | *Financial functions*: Does the FAL assign to FAC the following responsibility:   * To prepare or review, and recommend to the council for approval, draft annual budgets and multi-year financial plans for the first nation? | | |  | | 15(1)(b), 27(2), 72(3) |  |  |  |
| 10.5.1.b | * To monitor financial performance of the first nation against the annual budget and report significant variances to council? | | |  | | 15(1)(c) |  |  |  |
| 10.5.1.c | * To review the first nation’s quarterly financial statement before their recommendation to council for its approval? | | |  | | 15(1)(d) |  |  |  |
| 10.5.2.a | *Audit functions*: Does the FAL assign to FAC the following responsibility:   * To make recommendations to council on the selection, engagement and performance of an auditor? | | |  | | 16(a) |  |  |  |
| 10.5.2.b | * To receive assurances on the independence of the auditor? | | |  | | 16(b) |  |  |  |
| 10.5.2.c | * To make recommendations to the council respecting the planning, conduct and results of audit activities? | | |  | | 16(c) |  |  |  |
| 10.5.2.d | * To review and make recommendations to council respecting the first nation's audited annual financial statements and any special purpose reports, including the audited annual financial statements respecting local revenues? | | |  | | 16(d) |  |  |  |
| 10.5.2.e | * To make recommendations to the council respecting policies, procedures or directions on reimbursable expenses and perquisites of councillors and employees? | | |  | | 16(e) |  |  |  |
| 10.5.2.f | * To monitor financial reporting risks and fraud risks and the effectiveness of mitigating controls for those risks taking into consideration the cost of 1implementing those controls? | | |  | | 16(f) |  |  |  |
| 10.5.2.g | * To review the FAL and recommend draft amendments to council? | | |  | | 16(g) |  |  |  |
| 10.5.2.h | * To review and make recommendations to council on its terms of reference? | | |  | | 16(h) |  |  |  |
| 10.5.3 | *Permitted functions:* The FAL may assign to FAC the responsibility for any other matter respecting the financial administration of the first nation that council considers would benefit from FAC involvement. | | |  | | 17 |  |  |  |
| 10.5.4 | *Committee discretion*: Does the FAL permit FAC to make a report or recommendations to the council on any financial administrative matter that is not otherwise specified to be its responsibility under the FAL? | | |  | | 15(2) |  |  |  |
| **11.0** | **FIRST NATIONS OFFICERS AND EMPLOYEES** | | | | | | | | |
| 11.1.1 | *Senior Manager Appointment*: Does the FAL or another law or resolution provide for the appointment of a senior manager with responsibility for leading the first nation’s day-to-day management or administration?  Does the FAL or another law or resolution set out the principal powers, duties and functions of the senior manager? | | |  | | 18(1),(2) |  |  |  |
| 11.1.2 | *Reporting relationship*: Does the FAL or another law or resolution require the senior manager to report directly to council? | | |  | | 18(2) |  |  |  |
| 11.1.3 | *Permitted positions*: For purposes of standard 11.1, the responsibilities of the senior manager may be performed by more than one person so long as each person reports directly to council. | | |  | | n/a |  |  |  |
| 11.1.4.a | *Duties and functions*: Does the FAL, another law or resolution require the senior manager to do the following:   * To oversee, supervise and direct the activities of all officers and employees of the first nation? | | |  | | 18(2)(d) |  |  |  |
| 11.1.4.b | * To oversee and administer the contracts of the first nation? | | |  | | 18(2)e) |  |  |  |
| 11.1.4.c | * To identify, assess, monitor and report on financial reporting risks and fraud risks? | | |  | | 18(2)(g) |  |  |  |
| 11.1.4.d | * To monitor and report on the effectiveness of mitigating controls for the risks referred to in (c, taking into consideration the cost of implementing those controls? | | |  | | 18(2)(h) |  |  |  |
| 11.1.5 | *Permitted Functions*: The FAL, another lawor resolution may permit the council to require the senior manager to carry out other activities if they are not contrary to the FMA or inconsistent with the senior manager’s duties set out in the FAL*.* | | |  | | 18(2)(j) |  |  |  |
| 11.1.6 | *Permitted assignment:* The FALmay permit the senior manager to require an officer, employee, contractor or agent of the first nation to perform any of the senior manager’s duties or functions respecting financial administration of the first nation but this assignment of functions must not relieve the senior manager of the responsibility to ensure that these duties or functions are carried out properly. | | |  | | 18(3), (4) |  |  |  |
| 11.2.1 | *Senior Financial Officer – Appointment:* Does the FAL require the appointment of a senior financial officer (“SFO”) with responsibility for the day-to-day management or administration of the first nation’s financial administration system?  Does the FAL set out the principal powers, duties and functions of the SFO? | | |  | | 19(1) |  |  |  |
| 11.2.2 | *Reporting relationship*: Does the FAL require the SFO to report directly to the senior manager or council? | | |  | | 19(2) |  |  |  |
| 11.2.3.a | *Duties and functions:* Does the FAL require the SFO to do the following:   * To ensure the financial accounting systems, policies, procedures, directions and internal controls are appropriately designed and operating effectively? | | |  | | 19(2)(a) |  |  |  |
| 11.2.3.b | * To administer and maintain the charts of accounts of the first nation? | | |  | | 19(2)(b) |  |  |  |
| 11.2.3.c | * To prepare the budgets and multi-year financial plans of the first nation with advice and input from the tax administrator for any component respecting local revenues? | | |  | | 19(2)(c) |  |  |  |
| 11.2.3.d | * To prepare the financial statements of the first nation? | | |  | | 19(2)(d) |  |  |  |
| 11.2.3.e | * To prepare the financial components of reports to the council and financial information required by the council or the finance and audit committee? | | |  | | 19(2)(e) |  |  |  |
| 11.2.3.f | * To actively monitor compliance with any agreements and funding arrangements entered into by the first nation? | | |  | | 19(2)(f) |  |  |  |
| 11.2.3.g | * To administer and supervise the preparation and maintenance of financial records and the financial administration reporting system? | | |  | | 19(2)(g) |  |  |  |
| 11.2.3h | * To actively monitor compliance with legal obligations of the first nation and any policies, procedures and directions of the council respecting the financial administration of the first nation? | | |  | | 19(2)(i) |  |  |  |
| 11.2.3.i | * To evaluate the financial administration systems of the first nation and recommend improvements? | | |  | | 19(2)(k) |  |  |  |
| 11.2.3.j | * To develop and recommend procedures for the safeguarding of assets and ensure approved procedures are followed? | | |  | | 19(2)(l) |  |  |  |
| 11.2.3.k | * To develop and recommend procedures for identifying and mitigating financial reporting risks and fraud risks and ensure approved procedures are followed? | | |  | | 19(2)(m) |  |  |  |
| 11.2.4 | *Permitted functions:* The FAL may permit the senior manager to require the SFO to carry out other activities if they are not contrary to the FMA or inconsistent with the SFO’s duties set out in the FAL*.* | | |  | | 19(2)(o) |  |  |  |
| 11.2.5 | *Permitted assignment:* The FAL may permit the SFO to require an officer, employee, contractor or agent of the first nation to perform any of the SFO’s duties or functions but this assignment of duties or functions must not relieve the SFO of the responsibility to ensure that these functions are carried out properly. | | |  | | 19(3) |  |  |  |
| 11.3.1 | *Tax Administrator*: If the first nation is collecting local revenues, does the FAL or a local revenue law provide for the appointment and set out the principal powers, duties and functions of the tax administrator? | | |  | | n/a |  |  |  |
| 11.3.2 | *Reporting relationship* – Does the *FAL* require the tax administrator to report directly to the senior financial officer or the senior manager in the performance of the tax administrator’s duties under the first nation’s local revenue laws, the Act and the FAL? | | |  | | n/a |  |  |  |
| 11.3.3.a | *Required functions* **–** Does the*FAL* require the tax administrator to carry out the following functions:   * to manage local revenues and the local revenue account on a day-to-day basis? | | |  | | n/a |  |  |  |
| 11.3.3.b | * to recommend to the senior financial officer the draft and amended budget forthe local revenues component of the annual budget? | | |  | | n/a |  |  |  |
| 11.3.3.c | * to recommend to the senior financial officer the local revenues components of the multi-year financial plan? | | |  | | n/a |  |  |  |
| 11.3.3.d | * on request, to provide advice to the senior manager, senior financial manager, FAC and the council respecting local revenue matters? | | |  | | n/a |  |  |  |
| 11.3.3.e | * to monitor compliance with the Act, the first nation’s local revenue laws and the *FAL* in the administration of local revenues and the local revenue account? | | |  | | n/a |  |  |  |
| 11.3.4 | *Permitted assignment*: The FAL may permit the tax administrator to require an officer, employee, contractor or agent of the first nation to perform any of the tax administrator’s additional, duties or functions set out in the FAL but this assignment of functions must not relieve the tax administrator of the responsibility to ensure that these functions are carried out properly | | |  | | n/a |  |  |  |
| 11.4.1 | *Employees-approved functions*: Does the FAL require the principal powers, duties and functions of all other employees of the first nation to be set out in writing and approved by council or the senior manager? | | |  | | 18(2) |  |  |  |
| 11.4.2 | *Organization chart*: Does the FAL require the preparation and maintenance of a current organization chart? | | |  | | 20(1), (2) |  |  |  |
| 11.4.3 | *Chart access*: Does the FAL require access to the organization chart to be provided to all persons affected by it including councillors, committee members, officers, employees, contractors and agents of the first nation and first nation members? | | |  | | 20(3) |  |  |  |
| 11.4.4 | *Human Resource polices*: Does the FAL require the first nation’s human resources policies and practices to be designed and implemented to facilitate effective internal financial administration controls? | | |  | | 9(4), 20(4) |  |  |  |
| 11.4.5 | *Personnel competence*: Does the FAL require the first nation to hire or retain qualified and competent personnel to carry out the financial administration activities of the first nation? | | |  | | 20(5) |  |  |  |
| **12.0** | **CONDUCT** | | | | | | | | |
| 12.1.a | *Council mandates*: Does the FAL require councillors, when exercising a power, duty or responsibility relating to the financial administration of the first nation to do the following:   * To act honestly, in good faith and in the best interests of the first nation? | | |  | | 21(1)(b), Schedule A |  |  |  |
| 12.1.b | * To exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstance? | | |  | | 21(1)(c), Schedule A |  |  |  |
| 12.1.c | * To act in accordance with the FAL, other first nation laws, the FMA, its regulations and any applicable standards made under the FMA? | | |  | | 21(1)(a), Schedule A |  |  |  |
| 12.1.d | * To avoid conflicts of interest and comply with provisions in the FAL for, or policies and procedures established by the council for, the avoidance and mitigation of those conflicts? | | |  | | 21(1)(d), Schedule A |  |  |  |
| 12.2 | *Employees, etc. mandates:* Does the FAL require the officers, employees, committee members, contractors and agents, when exercising a power, duty or responsibility relating to the financial administration of the first nation | | |  | | 22(2), Schedule A |  |  |  |
| 12.2.a | * To act in accordance with the FAL, FMA, its Regulations, other first nation laws and any FMA Standards? | | |  | | 22(2)(a), Schedule A” |  |  |  |
| 12.2.b | * To comply with all policies, procedures and direction of council? | | |  | | 22(2)(b), Schedule A |  |  |  |
| 12.2.c | * To avoid conflicts of interest and comply with the provisions in the FAL for, or policies and procedures established by council for, the avoidance and mitigation of such conflicts? | | |  | | 22(2)(c), Schedule A |  |  |  |
| 12.3 | *Conduct obligation inclusions*: Does the FAL require that the obligations under 12.2 respecting conduct be included in the terms of employment contracts, appointments to the finance and audit committee, contracts for services and appointment of agents? | | |  | | 22(3) |  |  |  |
| 12.4 | *Enforcement*: Does the FAL state the actions that may be taken if a councillor, officer, employee, committee member, contractor or agent fails to comply with the conduct obligations in the FAL and with any requirements of the first nation respecting the avoidance and mitigation of conflicts of interest? | | |  | | 21(2), 22(4) |  |  |  |
| 12.5.a | *Conflict of interest disclosures:* Does the FAL require the following:   * Councillors must annually disclose relevant information respecting their private interests which could result in conflict of interest? | | |  | | 21(1)(d), section 5 of Schedule A |  |  |  |
| 12.5.b | * Officers, employees, committee members, contractors and agents must disclose as soon as practicable any circumstances that could result in conflict of interest? | | |  | | 22(2)(c), section 13 of Schedule A |  |  |  |
| 12.6.a | *Conflict of interest provisions*: Does the FAL include provisions respecting the avoidance and mitigation of conflicts of interest including the following:   * Provisions that define the private interests of councillors, officers, employees, committee members, contactors and agents that could result in conflicts of interest?   If **not**, does the FAL require council to establish policies and procedures to this effect? | | |  | | Section 2(3) of “Schedule A |  |  |  |
| 12.6.b | * Provisions that require the disclosure of actual or potential conflicts of interest as they arise and keeping of records of such disclosures?   If **not**, does the FAL require council to establish policies and procedures to this effect? | | |  | | 21, 22, sections 8 and 13 of Schedule A |  |  |  |
| 12.6.c | * Provisions that specify restrictions on the acceptance of gifts and benefits by councillors, officers, employees, committee members, contactors and agents that might reasonably be seen to have been offered in order to influence the making of a decision?   If **not**, does it require council to establish policies and procedures to this effect? | | |  | | Sections 6 and 14 of Schedule A |  |  |  |
| 12.6.d | * Provisions prohibiting councillors, officers, employees, committee members, contractors and agents who have a conflict of interest from attempting to influence a decision or from participating in the making of a decision respecting the matter in which the person has a conflict of interest?   If **not**, does it require council to establish policies and procedures to this effect? | | |  | | Sections 8 and 13 of Schedule A |  |  |  |
| 12.6.3 | * Provisions specifying how any undisclosed or alleged conflicts of interest of councillors are to be addressed?   If **not**, does it require council to establish policies and procedures to this effect? | | |  | | Section 9 of Schedule A |  |  |  |
| **13.0** | **FISCAL YEAR** | | | | | | | | |
| 13.1 | *Defined fiscal Year:* Does the FAL establish the fiscal year as April 1 to March 31? | | |  | | 23 |  |  |  |
| **14.0** | **FINANCIAL PLANS** | | | | | | | | |
| 14.1 | *Preparation of multi-year financial plans*: Does the FAL require the preparation of a multi-year financial plan? | | |  | | 24 |  |  |  |
| 14.2 | *Content of plan*: Does the FAL require the multi-year financial plan to include the current year and the next four years and to set out projected revenues, segregated by significant category, projected expenditures , segregated by significant category, and anticipated surplus or authorized deficit? | | |  | | 24 |  |  |  |
| **15.0** | **BUDGETS** | | | | | | | | |
| 15.1 | *Budget preparation*: Does the FAL require an annual budget to be prepared for all of the first nation financial matters for the next fiscal year? | | |  | | 25, 26 |  |  |  |
| 15.2 | *Budget for local revenue account*: Does the FAL require the preparation, approval and amendment of the local revenues component of the annual budget to comply with the FMA, its regulations and First Nations Tax Commission standards? | | |  | | n/a |  |  |  |
| 15.3.1.a | *Budget contents*: Does the FAL require the annual budget to do the following:   * To encompass all the operations for which the first nation is responsible? | | |  | | 25(1) |  |  |  |
| 15.3.1.b | * To identify each anticipated significant category of revenue and estimate the amount of revenue for each category? | | |  | | 25(1)(a) |  |  |  |
| 15.3.1.c | * To identify each anticipated significant category of expenditure and estimate the amount of expenditure for each category? | | |  | | 25(1)(b) |  |  |  |
| 15.3.1.d | * To identify any anticipated surplus or authorized deficit and the application of year end surplus funds? | | |  | | 25(1)(c) |  |  |  |
| 15.3.2 | *Revenue categories for land code*: Does the first nation have a land code? If so, does the law require separate categorization for money from first nation lands including a sub-category for any revenues from natural resources? | | |  | | 25(2) |  |  |  |
| 15.4.1 | *Budget process- Approval of annual budget*: Does the FAL require the council to approve its annual budget no later than March 31 for the next fiscal year? | | |  | | 26(3) |  |  |  |
| 15.4.2 | *Amendment of final budget:* Does the FAL require the council to approve any amendments of the local revenues component of the annual budget within the time required in section 10 of the Act and in any event as soon as practical after the start of the fiscal year? | | |  | | n/a |  |  |  |
| 15.4.3.a | *Membership information or involvement:* Does the law include the means by which members will be involved in or informed about the following:   * The multi-year financial plan?   If **not**, does the FAL require council to make policies, procedures or give direction in this respect? | | |  | | 29(b) |  |  |  |
| 15.4.3.b | * The annual budget?   If **not,** does the FAL require council to make policies, procedures or give direction in this respect? | | |  | | 29(a) |  |  |  |
| 15.4.3.c | * Budget deficits or extraordinary expenditures?   If **not,** does the FAL require council to make policies, procedures or give direction in this respect? | | |  | | 29(c) |  |  |  |
| 15.4.4 | *Council approval of amended budget*: Does the FAL require council to approve any changes to the annual budget? | | |  | | 28 |  |  |  |
| **16.0** | **FINANCIAL MANAGEMENT AND CONTROLS** | | | | | | | | |
| 16.1.1 | *Fund and Revenues – Fund and revenue controls*: Does the FAL establish the means to effectively manage and control all funds and revenues, including internal controls for accounts with financial institutions and assets management? | | | |  | 30, 31, 50 |  |  |  |
| 16.1.2 | *Separate local revenues account*: Does the FAL require local revenues to be placed in a local revenues account in a financial institution, separate from other moneys of the first nation, as required by section 13 of the Act? | | | |  | n/a |  |  |  |
| 16.1.3 | *Cash management:* Does the FAL provide for effective cash management?  If **not**, does the FAL require council to make policies or procedures to give direction for effective cash management? | | | |  | 31, 40 – 47 |  |  |  |
| 16.2.1 | *Expenditures –Expenditure controls*: Does the FAL establish the means for effectively managing all first nation expenditures, including internal controls respecting accounts with financial institutions and the procurement of goods and services? | | | |  | 32 – 39, 91 |  |  |  |
| 16.2.2 | *Local revenues expenditures:* Does the FAL require that local revenues be expended only if and as permitted by a local revenue law made under the FMA or as permitted under section 13.1 of the FMA? | | | |  | n/a |  |  |  |
| 16.2.3 | *Appropriations for expenditures:* Does the FAL require expenditures of funds only to be made if and as permitted under the budget in effect at the time of the expenditure, with such reasonable exceptions to address unforeseen events for which the FAL provides or for which a council policy or procedure established under the FAL provides? | | | |  | 34 – 38 |  |  |  |
| 16.3.1 | *Borrowing – Debt provisions*; Does the FAL include provisions respecting the incurring of debt, debt management and the use of borrowed funds? | | | |  | 48, 49, 51 - 55 |  |  |  |
| 16.3.2 | *Granting of security*: Does the FAL include provisions respecting the granting of security by the first nation? | | | |  | 48, 49(3), 56 |  |  |  |
| 16.3.3 | *Management of deficits*: Does the FAL include provisions respecting the management of and any limitations on budget deficits? | | | |  | 27 |  |  |  |
| **17.0** | **RISK MANAGEMENT** | | | | | | | | |
| 17.1 | *Risk management of for profit activities*: Does the FAL include provisions that limit or manage the risks associated with a first nation carrying on for-profit activities?  **If not**, does the FAL require council to establish policies and procedures or give directions to manage such risks? | | | |  | 58 |  |  |  |
| 17.2 | *Guarantees and indemnities*: Does the FAL include provisions respecting the granting of guarantees and indemnities, including any limits on amounts and any approval required? | | | |  | 59, 102 |  |  |  |
| 17.3.1 | *Investments – Types of investments:* Does the  FAL specify what investments the first nation may make including a requirement that the following only be invested in investments specified under s. 82(3)(a), (b), (c) or (d) of the FMA and in investments in securities issued by the First Nations Finance Authority (“the FNFA”) or a municipal finance authority established by a province: government transfer funds, local revenues and other revenues funds if the first nation has a loan from the FNFA secured by other revenues? | | | |  | 60, 61 |  |  |  |
| 17.3.2 | *Identification of financial institutions:* Does the FAL specify the financial institutions or types of financial institutions in which first nation funds may be invested? | | | |  | 61 |  |  |  |
| 17.4.1 | *Lending and collection*: Does the FAL include provisions respecting the effective management of the lending of first nation funds and the collecting of funds loaned?  **If not,** does the FAL require the council to establish policies or procedures or give directions respecting these matters? | | | |  | 62, 63(2) |  |  |  |
| 17.4.2 | *Permitted lending to first nation members*: The FAL may establish a program for the lending of first nation funds to first nation members if the program provides for universal accessibility, has published terms and conditions and is transparent. If the FAL establishes such program, does it meet these requirements? | | | |  | 62, 72(d) |  |  |  |
| 17.5.1 | *Insurance – Required insurance*: Does the FAL include provisions respecting the requirements for liability, property and other insurance of the first nation, including insurance respecting assets under the first nation’s care and control? | | | |  | 65(1) |  |  |  |
| 17.5.2 | *Permitted insurance*: The FAL may include provisions respecting liability insurance for the benefit of councillors, officers or employees of the first nation | | | |  | 65(2) |  |  |  |
| 17.6.1 | *Operations controls*: Does the FAL contain provisions respecting the establishment and implementation of an effective system of internal controls that ensures the orderly and efficient conduct of the first nation’s operations?  If **not**, does the FAL require the council to establish policies or procedures or give directions respecting this subject matter? | | | |  | 57 |  |  |  |
| 17.6.2 | *Information technology controls*: Does the FAL contain provisions respecting internal controls for information technology used by the first nation in its operations in order to ensure the integrity of the financial administration system and its data base?  If **not**, does the FAL require council to establish policies or procedures or give directions respecting this subject matter? | | | |  | 84 |  |  |  |
| 17.7.1 | *Fraud risks:* Does the FAL define the following terms in accordance with the definitions used in the standard:   * fraudulent financial reporting; * fraudulent non-financial reporting; and * misappropriation of assets? | | | |  | 66(1) |  |  |  |
| 17.7.2.a | *Procedure for fraud risks:* Does the FAL contain provisions requiring the council to establish procedures for the identification and assessment of the following risks:   * fraudulent financial reporting? | | | |  | 66(2)(a) |  |  |  |
| 17.7.2.b | * fraudulent non-financial reporting? | | | |  | 66(2)(b) |  |  |  |
| 17.7.2.c | * misappropriation of assets? | | | |  | 66(2)(c) |  |  |  |
| 17.7.2.d | * corruption and illegal acts? | | | |  | 66(2)(d) |  |  |  |
| **18.0** | **FINANCIAL REPORTING** | | | | | | | | |
| 18.1 | *Controls for reliable reporting*: Does the FAL contain provisions respecting the establishment and implementation of an effective system of internal controls that ensures the reliable reporting of the first nation’s financial results?  **If not**, does the FAL require the council to establish policies or procedures or give directions respecting this subject matter? |  | | | | 67 - 78 |  |  |  |
| 18.2.1 | *Separate local revenues accounting and reporting:* Does the FAL require local revenues of the first nation to be accounted for and reported on separately from its other moneys? |  | | | | n/a |  |  |  |
| 18.2.2 | *Separate other revenues accounting:* Does the FAL require all other revenues of the first nation to be accounted for separately from its other moneys if the first nation has a loan from the FNFA secured by other revenues? |  | | | | 68 |  |  |  |
| 18.2.3 | *Access to information:* Does the FAL require a first nation referred to in standard 18.2.2 to provide information about its other revenues account to the FNFA and to the FMB on request? |  | | | | 68 |  |  |  |
| 18.3 | *Monthly reporting*: Does the FAL require preparation of monthly financial information respecting the financial affairs of the first nation and its provision to FAC and council? |  | | | | 69 |  |  |  |
| 18.4 | *Quarterly reporting*: Does the FAL require the preparation of quarterly financial statements respecting the financial affairs of the first nation and their provision to FAC and council? |  | | | | 70 |  |  |  |
| 18.5.1 | *Annual financial statements – Preparation*: Does the FAL require the preparation of annual financial statements respecting the financial affairs of the first nation and their provision to FAC and council? |  | | | | 71 |  |  |  |
| 18.5.2.a | *Preparation requirements*: Does the FAL require the annual financial statements   * To be prepared in accordance with generally accepted accounting principles? |  | | | | 71(1) |  |  |  |
| 18.5.2.b | * If the first nation has a land code in force, to include the same revenue categories respecting revenues from first nation lands as are required by standard 15.3.2 to be included in the first nation’s budgets? |  | | | | 71(3)(b) |  |  |  |
| 18.6.1 | *Special purpose reports- permitted special reports:* The FAL may require the senior financial officer to prepare and the auditor to review any special purpose reports required by an agreement or a law. |  | | | | 72 |  |  |  |
| 18.6.2.a | *Required special purpose reports:* Does the FAL require the senior financial officer to prepare and the auditor to review the following:   * The report on compensation, benefits and contracts referred to in standard 9.0? |  | | | | 72(b), 75(3) |  |  |  |
| 18.6.2.b | * A report setting out all payments made by the first nation to honor guarantees and indemnities? |  | | | | 72(a), 75(3)(b) |  |  |  |
| 18.6.2.c | * A report setting out all debts and obligations forgiven by the first nation during the fiscal year? |  | | | | 72(c), 75(3)(b) |  |  |  |
| 18.6.2.d | * If a first nation has a land code in force, a report setting out moneys of the first nation derived from first nation lands, categorized and shown separately from other revenues and that includes a sub-category respecting revenues from natural resources obtained from first nation lands, referred to in standard 15.3.2? |  | | | | 72(e), 75(3)(b) |  |  |  |
| **19.0** | **AUDITS** | | | | | | | | |
| 19.1 | *Audit standards*: Does the FAL require the annual financial statements to be audited in accordance with generally accepted auditing standards, established by the Chartered Professional Accountants of Canada? | |  | | | 75(2) |  |  |  |
| 19.2.1 | *Auditor**appointment:*Does the FAL provide for the appointment and dismissal of the first nation’s auditor? | |  | | | 73(1) |  |  |  |
| 19.2.2.a | Q*ualifications*: Does the FAL require the auditor   * To be independent of the first nation? | |  | | | 73(3)(a) |  |  |  |
| 19.2.2.b | * To be a public accounting firm or public accountant in good standing with their professional body and their respective counterparts in the province or territory in which the firm or accountant is practicing? * To be licensed or otherwise authorized to practice public accounting in the province or territory in which the majority of the reserve lands of the first nation are located? | |  | | | 73(3)(b) |  |  |  |
| 19.2.3 | *Engagement letter*: Does the FAL require the auditor’s engagement letter to require the auditor to confirm in writing that the annual financial statements and the audit of them comply with Board standards and all applicable laws, or to identify in writing consequential non-compliance matters? | |  | | | 73(2) |  |  |  |
| 19.2.4.a | *Duties:* Does the FAL require the auditor to provide   * An audit opinion on the annual financial statements of the first nation? | |  | | | 75(3)(a) |  |  |  |
| 19.2.4.b | * An audit opinion or review comments on the special purpose reports referred to in standard 18.6? | |  | | | 75(3)(b) |  |  |  |
| 19.2.5.a | *Auditor authority*: Does the FAL give the auditor the authority necessary to enable the auditor to carry out its audit responsibilities, including the following:   * To access to all records, including all books, accounts and vouchers, council minutes, council resolutions, first nation laws and agreements to which the first nation is a party, and to question persons respecting any such information? | |  | | | 74(1) |  |  |  |
| 19.2.5.b | * To receive notices of all finance and audit committee meetings, and, at the auditor’s discretion, to attend and be heard at those meetings? | |  | | | 74(3), (4) |  |  |  |
| 19.2.5.c | * To communicate to the finance and audit committee, as the auditor considers appropriate, any matters which the committee should consider? | |  | | | 74(5) |  |  |  |
| 19.2.5.d | * With reasonable exceptions (such as a meeting called to consider the retention or dismissal of an auditor), to attend the council meeting when the annual audit, including the annual financial statements, will be considered and approved and to receive notice of that meeting? | |  | | | 74(4) |  |  |  |
| 19.2.5.e | * To be heard at any council and first nation members meeting that the auditor has the right to attend or to which the auditor has been invited and that raises issues of concern to the auditor as auditor of the first nation? | |  | | | 74(4) |  |  |  |
| 19.3 | *Completion date:* Does the FAL require the audit of the annual financial statements to be completed not more than 120 days after the end of the fiscal year? | |  | | | 75(1) |  |  |  |
| 19.4 | *Review and approval*: Does the FAL require the council to review and approve the first nation’s audited annual financial statements not more than 120 days after the end of the fiscal year? | |  | | | 76(2) |  |  |  |
| 19.5.a | *Signatories:* Does the FAL require the audited annual financial statements to be signed by   * The chief of the first nation or the council chairperson? | |  | | | 77(1)(b)(i) |  |  |  |
| 19.5.b | * The chairperson of the FAC? | |  | | | 77(1)(b)(ii) |  |  |  |
| 19.5.c | * The senior financial officer? | |  | | | 77(1)(b)(iii) |  |  |  |
| 19.6 | *First nation member access*: Does the FAL require members of the first nation be given access to the audited annual financial statements and special purpose reports? | |  | | | 77(1),78(2)(d) |  |  |  |
| 19.7.1 | *Local revenues – audit*: Does the FAL require the separate annual financial statements respecting local revenues to be prepared and audited at least once each calendar year in accordance with the Board’s financial reporting standards for local revenues? | |  | | | n/a |  |  |  |
| 19.7.2 | *Access to audit report:* Does the FAL require the the separate audited financial reporting of local revenues to be made available to persons referred to in subsection 14(2) of the FMA**?** | |  | | | n/a |  |  |  |
| 19.7.3 | *Optional reporting –* The FAL may permit the separate financial reporting of local revenues to be included as a distinct segment of the activities that appear in the audited annual financial statements of the first nation if the Board’s financial reporting standards for local revenues permit the first nation to elect that financial reporting option. | |  | | | n/a |  |  |  |
| 19.7.4 | *Access where optional reporting* **–** If a *FAL*permits a first nation to exercise the option referred to in standard 19.7.3, does the *FAL* require the audited annual financial statements of the first nation to be made available to the persons referred to in section 14(2) of the Act? | |  | | | n/a |  |  |  |
| **20.0** | **ANNUAL REPORT** | |  | | |  |  |  |  |
| 20.1 | *Annual Report:* Does the FAL require the first nation to prepare and publish an annual report on the operations and financial performance of the first nation for each fiscal year? | |  | | | 78(1), (2) |  |  |  |
| 20.2 | *Publication Date:* Does the FAL require the annual report of the first nation to be published not later than 180 days after the end of the fiscal year? | |  | | | 78(1) |  |  |  |
| 20.3.a | *Content of report:* Does the FAL require the annual report to include the following:   * A description of the services and operations of the first nation? | |  | | | 78(2)(a) |  |  |  |
| 20.3.b | * A progress report on any established financial objectives and performance measures of the first nation? | |  | | | 78(2)(b) |  |  |  |
| 20.3.c | * All the audited annual financial statements of the first nation for the previous fiscal year? | |  | | | 78(2)(c) |  |  |  |
| 20.3.d | * The special purpose reports referred to in standard 18.6? | |  | | | 78(2)(d) |  |  |  |
| 20.4.a | *Availability of report:* Does the FAL require the annual report   * To be provided to members of the first nation on request? | |  | | | 78(3)(a) |  |  |  |
| 20.4.b | * To be provided to the FMB if the first nation has a certificate? | |  | | | 78(3)(b) |  |  |  |
| 20.4.c | * To be provided to the FNFA if the first nation is a borrowing member? | |  | | | 78(3)(c) |  |  |  |
| 20.5 | *Remedy for non-compliance:* Does the FAL provide an accessible process and remedy available to first nation members who have requested but have not been provided with the annual report of the first nation?  If, not, does the FAL require the council to make policies, procedures or give directions respecting such matters? | |  | | | 78(4) |  |  |  |
| **21.0** | **RECORDS AND INFORMATION** | | | | | | | | |
| 21.1 | *Records and Information- ownership of records*: Does the FAL include provisions to ensure that the records of the first nation, however produced, used or received remain the property of the first nation?  **If not,** does the FAL require the council to establish policies or procedures or give directions in respect of this subject matter? | | |  | | 79(1) (2) |  |  |  |
| 21.2.1 | *Operations manual:* Does the FAL require the preparation and maintenance of a current operations manual for the first nation’s administrative systems? | | |  | | 80(1) |  |  |  |
| 21.2.2 | *Access to manual*: Does the FAL require the operations manual to be made available to councillors, committee members, officers and employees and, as appropriate, to contractors or agents – subject to reasonable exceptions for those parts of the manual that are appropriate for only limited distribution? | | |  | | 80(2), (3) |  |  |  |
| 21.3 | *Record keeping, storage, etc.*: Does the FAL include provisions respecting the preparation, maintenance, security, storage, access to and disposal of records of the first nation?  **If not,** does the law include provisions requiring the council to establish policies or procedures or give directions respecting these subjects? | | |  | | 81  81(4) |  |  |  |
| 21.4 | *Requirements for confidentiality, etc.:* Does the FAL include provisions respecting the confidentiality, control and release of first nation information that is in the possession of the first nation, the council, councillors, committee members, employees, contractors or agents of the first nation?  **If not,** does the FAL require the council to establish policies or procedures or give directions respecting this subject matter? | | |  | | 82(1), (2) |  |  |  |
| 21.5 | *Local revenue account records:* Does the FAL require a complete set of all records respecting the local revenue system of the first nation, including section 5 of the Revenue Management Implementation Regulations, to be kept by the tax administrator or the senior financial officer? | | |  | | n/a |  |  |  |
| 21.6 | *Other revenues account records:* Does the FAL require a complete set of all records respecting other revenues of the first nation, including all records referred to in section 5 of the Revenue management Implementation Regulations as amended by *the Financing Secured by Other Revenues Regulations* to be kept by the senior financial officer if the first nation has an FNFA loan secured by other revenues? | | |  | | 83 |  |  |  |
| **22.0** | **TANGIBLE CAPITAL ASSETS INCLUDING CAPITAL PROJECTS** | | | | | | | | |
| 22.1.a | *Council obligations*: Does the FAL includeprovisions to ensure that the first nation’s tangible capital assets are   * Recorded in an assets register? | | |  | | 89(1) |  |  |  |
| 22.1.b | * Adequately safeguarded? | | |  | | 86(a) |  |  |  |
| 22.1.c | * Maintained in accordance with a lifecycle management program? | | |  | | 89 |  |  |  |
| 22.1.d | * Planned, financed, managed and constructed to acceptable community standards? | | |  | | 86(c) |  |  |  |
| 22.2 | *Reserve fund*: Does the FAL require the council to invest in and manage a tangible capital asset reserve fund to be applied for the purposes set out in Standard 22.0? | | |  | | 87 |  |  |  |
| 22.3.a | *Life cycle planning*: Does the FAL require documented lifecycle planning for tangible capital assets including the following:   * The development, maintenance and updating of an asset register which includes the following information for each asset: location, ownership, year of acquisition, inspection dates, expected useful life at time of acquisition and, on inspection, residual value and insurance coverage? | | |  | | 89(1) |  |  |  |
| 22.3.b | * the annual inspection of all tangible capital assets which includes the following information for each asset: present use, state of repair and suitability for use, remaining useful life and estimated replacement cost, estimated dates and costs of future rehabilitation, operating and maintenance costs for last five years, maintenance records and insurance coverage? | | |  | | 89(2) |  |  |  |
| 22.3.c | * the plan for annual scheduling for tangible capital assets of routine maintenance as well as short, medium and long term forecasting of estimated costs of rehabilitation or replacement of assets? | | |  | | 89(3) |  |  |  |
| 22.3.d | * the preparation of annual budgets for rehabilitation and replacement of tangible capital assets including new construction? | | |  | | 90 |  |  |  |
| 22.4.a | *Capital project budgeting:* Does the FAL require the following:   * The short and long term forecasting of costs for maintenance and replacement of tangible capital assets? | | |  | | 89(2) |  |  |  |
| 22.4.b | * The annual budgeting of maintenance and replacement of tangible capital assets? | | |  | | 89(3) |  |  |  |
| 22.4.c | * The annual review by the finance and audit committee of any scheduled capital projects and their budgets? | | |  | | 90 |  |  |  |
| 22.5 | *Contracts and tendering provisions:* Does the FAL include provisions respecting the following matters relating to the construction and rehabilitation of buildings and other improvements to land, including capital infrastructure:  If **not**, does the FAL require the council to establish policies, procedures or directions respecting the following matters: | | |  | | 91 |  |  |  |
| 22.5.a | * Project planning, design, engineering, safety and environmental requirements; | | |  | | 91(a) |  |  |  |
| 22.5.b | * Project costing, budgeting, financing and approval; | | |  | | 91(b) |  |  |  |
| 22.5.c | * Project and contractor bidding requirements; | | |  | | 91(c) |  |  |  |
| 22.5.d | * Tender, contract form and contract acceptance; | | |  | | 91(d) |  |  |  |
| 22.5.e | * Course of construction insurance; | | |  | | 91(e) |  |  |  |
| 22.5.f | * Project performance guarantee and bonding | | |  | | 91(f) |  |  |  |
| 22.5.g | * Project control, including contract management; | | |  | | 91(g) |  |  |  |
| 22.5.h | * Holdbacks, work approvals, payment and audit procedures. | | |  | | 91(h) |  |  |  |
| 22.6 | *First nation member information or involvement*: Does the FAL include provisions respecting the involving or informing of first nation members in tangible capital asset projects and borrowings for the construction of new tangible capital asset projects?  If **not**, does the FAL require the council to establish policies, procedures or directions respecting such matters? | | |  | | 93 |  |  |  |
| **23.0** | **BOARD STANDARDS** | | | | | | | | |
| 23.1 | *Compliance with Board standards:* Does the FAL require that upon becoming a borrowing member or having a certificate under the Act, the first nation must remain in compliance with all applicable FMB standards? | | |  | | 94(1) |  |  |  |
| 23.2 | *Council obligation where non-compliant*: Does the FAL require that , on the council becoming aware that the first nation is not operating in compliance with FMB standards referred to in standard 23.1, the council must, without delay, take such measures as are required for the first nation to rectify any such non-compliance and to operate in compliance with the standard? | | |  | | 94(2) |  |  |  |
| **24.0** | **DELEGATED AUTHORITY ON INTERVENTION** | | |  | |  |  |  |  |
| 24.1.a | *Local revenues intervention* **-** Does the FAL provide, without limiting section 53 of the Act, that if the first nation is making local revenue laws under subsection 5(1) of the FMA or is using its local revenues to secure a loan from the First Nations Finance Authority and the FMB gives notice to the first nation under section 53 of the FMA that third-party management of the first nation’s local revenues is required, the council of the first nation delegates to the FMB   * the powers and authorities described in subsection 53(2) of the FMA? | | |  | | n/a |  |  |  |
| 24.1.b | * any other of the council’s powers required to give effect to third-party management of the first nation’s local revenues and local revenue account under the FMA? | | |  | | n/a |  |  |  |
| 24.2.a | *Other revenues intervention -* Does the FAL provide, without limiting section 53 of the FMA as adapted by the *Financing Secured by Other Revenues Regulations*, that if the first nation is using its other revenues to secure a loan from the First Nations Finance Authority and the FMB gives notice to the first nation under section 53 that third-party management of the first nation’s other revenues is required, the council of the first nation delegates to the FMB   * the powers and authorities described in section 53(2) of the FMA as adapted by the *Financing Secured by Other Revenues Regulations?* | | |  | | 95 |  |  |  |
| 24.2.b | * any other of the council’s powers required to give effect to third-party management of the first nation’s other revenues under the FMA? | | |  | | 95 |  |  |  |
| **25.0** | **LAND MANAGEMENT ISSUES** | | | | | | | | |
| 25.1 | *Provisions respecting land code*: If the first nation has a land code in force, does the FAL require the first nation to comply with the *First Nations Land Management Act* and any land code made by the first nation as required or permitted under that Act? | | |  | | 96(1) |  |  |  |
| 25.2 | *Accountability to first nation members*: If the first nation has a land code in force, does the FAL provide a method for ensuring the accountability to first nation members for the management of first nation land and moneys derived from first nation land as required under the first nation’s land code to satisfy section 6(1)(e) of the *First Nations Land Management Act?*  If **not**, does the FAL require the council to establish a policy that addresses such subject matter? | | |  | | 96(2) |  |  |  |
| **26.0** | **OIL AND GAS MONEYS MANAGEMENT ISSUES** | | | | | | | | |
| 26.1 | *Provisions respecting oil and gas*: If the first nation has a financial administration code in force under the *First Nations Oil and Gas and Moneys Management Act*, does the FAL require the first nation to comply with the *First Nations Oil and Gas and Moneys Management Act* and any financial administration code made by the first nation as required or permitted under that Act? | | |  | | 97 |  |  |  |
| **27.0** | **FINANCIAL MISCONDUCT** | | | | | | | | |
| 27.1 | *Reporting misconduct*: Does the FAL establish the means by which a person may report any alleged misappropriation or irregularity in the financial administration of the first nation and how these reports must be considered? | | |  | | 98, 99 |  |  |  |
| 27.2.a | *Obligation to report:* Does the FAL require   * Councillors, officers and employees to report any circumstances of financial misconduct? | | |  | | 98 |  |  |  |
| 27.2.b | * Contractors and agents engaged in financial administration activities to report any circumstances of financial misconduct? | | |  | | 98 |  |  |  |
| 27.3 | *Protection for whistleblowers*: Does the FAL include provisions protecting a person from reprisals for reporting any circumstances referred to in standard 27.1? | | |  | | 100 |  |  |  |
| 27.4 | *Procedural requirements*: Does the FAL include provisions respecting the reporting of circumstances referred to in standard 27.1, the conduct of inquiries or investigations into these reports and the fair treatment of persons against whom reports have been made?  If **not**, does the FAL require the council to establish policies, procedures or directions respecting such matters? | | |  | | 89, 100 |  |  |  |
| 27.5 | *Enforcement*: Does the FAL require compliance with the FAL and provide the means to enforce compliance? | | |  | | 21(2), 22(4), 101 |  |  |  |
| 27.6 | *Recovery of moneys*: Does the FAL provide for recovery of amounts expended or forfeited due to the failure of a person to comply with the requirements of the FAL? | | |  | | 101 |  |  |  |
| **28.0** | **FAL REVIEW** | | | | | | | | |
| 28.1.a | *Periodic review*: Does the FAL provide for periodic assessment of the FAL including   * The assessment of its effectiveness in establishing sound financial administration for the first nation? | | |  | | 103(1)(a) |  |  |  |
| 28.1.b | * The identification of any changes to the FAL that may better serve that objective? | | |  | | 103(1)(b) |  |  |  |
| 28.2 | *First nation member information or involvement*: Does the FAL include provisions respecting the means by which membership will be informed about or involved in the approval of any proposed amendments to the FAL?  If **not**, does the FAL require the council to establish policies, procedures or directions respecting such matters? | | |  | | 103(2) – (4) |  |  |  |
| **29.0** | **PROVISION OF LAW TO FIRST NATION FINANCE AUTHORITY** | | | | | | | | |
| 29.1 | *Provision to FNFA*: Does the FAL require the first nation that intends to become a borrowing member to provide a copy of its financial administration law to the First Nations Finance Authority as soon as practical after the law is approved by the FMB? | | |  | | 104 |  |  |  |
| **30.0** | **COMING INTO FORCE** | | | | | | | | |
| 30.1 | *Permitted date of coming into force*: The FAL may set out the date on which the FAL or provisions of the FAL come into force. | | |  | | 105 |  |  |  |
| 30.2 | *Limitations on date of coming into force*: Does the FAL clarify that any date set for the coming into force of the FALis not earlier than the day after the FAL is given compliance approval by FMB under section 9 of the FMA? | | |  | |  |  |  |  |

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# **additional comments section**

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| **General Comments** | | |
|  | **Reference** | **Description** |
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**FMB Contact information**

For more information about your self-assessment and how to submit the documents, please direct all inquiries, to the Senior Manager, Legal and Corporate Services:

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