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# INDIGENOUS GOVERNANCE

Co-Chaired by

**Maxime Faille**  
Gowling WLG

**Aaron Christoff**  
Gowling WLG

May 5<sup>th</sup> & 6<sup>th</sup>, 2021 • Attend via Live Webinar

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## CO-CHAIRS



**Maxime Faille**, Partner, Gowling WLG, Vancouver, BC. Named Benchmark Canada's Aboriginal Law Litigator of the Year for 2016, Max Faille served until recently as national leader of the Indigenous Law Group at Gowling WLG, which was honoured by *Best Lawyers in Canada* as "Aboriginal Law Firm of the Year" for 2018-2019. Max's clients consist of Indigenous governments, businesses and entrepreneurs across Canada, as well as private sector interests and other governments seeking to work with Indigenous communities. In addition to legal representation in the courts and in negotiations, Max regularly provides advice on matters of Aboriginal and treaty rights, First Nation taxation, self-government, Aboriginal consultation and accommodation, Impact and Benefit Agreements, and Indigenous economic development. Among numerous recognitions and awards for his work in Aboriginal law, Max is recognized as a leading lawyer in Aboriginal Law in *Best Lawyers in Canada*, *Chambers Canada*, *Lexpert's Leading Canadian Lawyers in Energy*, and *Leading Canadian Lawyers in Global Mining*.



**Aaron Christoff**, Partner, Gowling WLG, Vancouver, BC. Aaron Christoff is a partner in Gowling WLG's Vancouver office with a practice focused on Aboriginal and Treaty rights and governance, as well as litigation engaging constitutional, commercial, and fiduciary issues. Aaron regularly advises First Nations on specific claims against the Crown, Aboriginal and Treaty rights, self-government, employment and human rights, use and possession of reserve land, fiduciary duties of Chief and Council, band council elections, and governance disputes. Aaron is a citizen of Saulneau First Nations in northeastern British Columbia, and has lived, worked, and studied across Canada.

## YOUTH SPONSORSHIP PROGRAM

We are pleased to offer our successful sponsorship program for First Nation, Métis and Inuit youth to attend forums offered by Pacific Business & Law Institute. For further information about applying to attend this or other programs, please go to [www.pbli.com/aboriginal-youth-sponsorship](http://www.pbli.com/aboriginal-youth-sponsorship).

## INDIGENOUS GOVERNANCE

First Nations are increasingly reclaiming models of self-government, self-reliance and self-determination. This legally significant progression is fundamental to the principles of reconciliation. It has the power to rebuild the social and economic well-being of Aboriginal peoples, revitalize the internal operations of First Nations, and renew relationships with other nations, governments and external stakeholders.

This two-day program brings together representatives from First Nations and leaders in the field of Aboriginal law for a comprehensive discussion of Indigenous governance, reconciliation and policy building. Our diverse and well-informed faculty will provide attendees with a deep understanding of key issues in this dynamic area.

### KEY AREAS ADDRESSED:

- Elections, accountability and discipline of elected members
- First Nation jurisdiction over cannabis, land, and child and family services
- Indigenous self-governance
- Self-government agreements
- Taxation powers under self-government
- Enforcement of a Nation's laws
- The structure and governance of Indigenous economic development corporations

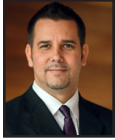
### WHO SHOULD ATTEND?

- Lawyers practising in the areas of Aboriginal law, administrative law, and business law
- Aboriginal leaders, officials, councillors, elders, negotiators, administrators, and advisors
- Owners, managers and representatives of resource development companies and companies operating on Crown land
- Federal, provincial and municipal government officials and policy advisors
- Consultants, accountants, financial planners, and others assisting First Nations with financial matters and business operations

## FACULTY



**Elizabeth Bulbrook**, Managing Lawyer, White Raven Law, Vancouver, BC. Elizabeth acts for the Haida through litigation and other legal strategies to advance their title, rights and interests and advises on governance, land and resource issues. Elizabeth has been involved in high-profile litigation for the Haida Nation directed at environmental protection and Indigenous title and rights at the BC Supreme Court, BC Court of Appeal, Federal Court of Appeal and the Supreme Court of Canada.



**Gary Campo**, Partner, Woodward & Company LLP, Victoria, BC. In his role of partner at Woodward and Company, Gary's work primarily focuses on a general practice for Indigenous governments. His current practice spans settlement negotiations, business transactions, taxation, economic development, reserve infrastructure projects, environmental remediation, band governance, leasing, contractual and employment matters, and 'Indian' status issues. Gary was born in North Vancouver and is a member of the Squamish Nation.



**Robert J. Dennis Sr.**, Chief Councillor, Huu-ay-aht First Nations, BC. Robert has served as the Chief Councillor of Huu-ay-aht First Nations since 2015. He also previously served as the Nation's elected chief, councillor, Band Manager and Chief Negotiator. In addition to the years of service he has offered his Nation, for eight years, Robert was the Executive Director, Building Coordinator, and Program Director for the Port Alberni Friendship Center. Robert also worked as a Director and Shore Worker for Central Native Fisherman's Co-op for more than six years. He was, and still is, a logger and fisherman and is passionate about celebrating, preserving, and sharing his culture and language with the outside world.



**Evan C. Duffy**, Partner, Parlee McLaws LLP, Edmonton, AB. Evan is an experienced litigator based out of Parlee's Edmonton office. Evan is the head of Parlee's aboriginal law practice group and regularly advises First Nations or Indigenous individuals on various aspects of Indigenous governance, land claims, labour and employment matters, election litigation, and a wide variety of other issues involving First Nations. He

has acted on matters before the Alberta Court of Queen's Bench, Alberta Court of Appeal, Federal Court of Canada, Federal Court of Appeal, and the Supreme Court of Canada. Evan is a sessional instructor at the University of Alberta Faculty of Law and is a regular presenter at professional development events for lawyers and human resources professionals.



**Nathan Hume**, Partner, Ratcliff & Company LLP, North Vancouver, BC. Nathan specializes in providing strategic legal advice to First Nations on major projects and complex regulatory regimes, with a particular emphasis on environmental protection and the energy industry. He has extensive experience in negotiation, litigation, and federal and provincial regulatory processes. He has appeared before every level of

court in British Columbia, as well as the Courts of Appeal of Saskatchewan and Ontario, and the Supreme Court of Canada. Nathan has received law degrees from Columbia University and the University of Toronto, as well as a doctorate in law from the University of Toronto. Before joining Ratcliff, he practiced corporate law in New York with a concentration on financial products and markets. He has published articles on federalism, comparative constitutional law, and the Canadian financial system.



**Grand Chief Peter Johnston**, Council of Yukon First Nations, Whitehorse, YK. Peter Johnston was elected Grand Chief of the Council of Yukon First Nations in June 2016 and re-elected in 2019. He is a member of the Yanyedi clan. Peter's years in service in Teslin Tlingit Council Government have provided him with opportunities to sit in many capacities including education, investments and economic development. He has several years of leadership abilities at the highest levels of First Nations governance.



**Rob Louie**, DipIPSM, BA, LLB and LLM (Candidate), President, BMAAAC, Fort McMurray, AB. Rob is the founder, CEO and President of the Band Members Alliance and Advocacy Association of Canada (BMAAAC), a national, non-profit society that helps Band members get access to justice to hold elected Chiefs and Band Councils accountable. BMAAAC has partnered with law firms in Canada to carry out this service. Rob is from the Ktunaxa (Kootenay) First Nation in British Columbia. He was the litigation strategist in *Louie v. Louie* (2015 BCCA). He is currently

working towards a Masters in Law degree from York University specializing in constitutional law. Combining his educational and professional background with his own personal recovery from alcoholism, Rob is an active member in the Indigenous, legal and recovery communities.



**Michael McDonald, Q.C.**, Partner, Clark Wilson LLP, Vancouver, BC. Mike McDonald is a Partner with Clark Wilson LLP, where he serves as Chair of the Indigenous Law Group. Since 1990, Mike has been a principal proponent of Indigenous economic growth, leading many of Canada's most intricate and complex precedent-setting Indigenous development projects totaling more than \$20 billion, in the energy, forestry, mining,

oil & gas, construction, tourism and real estate sectors, including various businesses and wealth management structures flowing from those deals. A member of the Peguis First Nation in Manitoba, Michael couples vast business experience with distinct cultural understanding to serve his clients from a holistic perspective, crafting solutions that unite legal, commercial, governance and social interests.



**Scott A. Smith**, Partner, Gowling WLG, Vancouver, BC. Scott regularly advises Indigenous peoples and companies across Canada on Indigenous, environmental assessment, regulatory and constitutional issues for major energy and natural resource projects. Scott has extensive experience advising clients on the Crown's duty to consult and accommodate Indigenous peoples. He also negotiates and drafts agreements between

Indigenous peoples and companies. He works closely with Indigenous clients to develop innovative legal strategies to help them leverage their rights and title to achieve their goals - whether to successfully oppose projects or secure direct economic benefits from them. Scott's Indigenous and environmental advocacy practice includes representing Indigenous peoples in regulatory hearings, judicial reviews and appeals of administrative decisions (such as the Crown's failure to consult Indigenous peoples), multi-party civil litigation in respect of contaminated sites, and complex tort litigation. Scott is currently representing Indigenous clients in environmental assessment and regulatory hearings for a number of proposed major oil and natural gas pipelines, including Enbridge's Line 9B Project, Kinder Morgan's Trans Mountain Expansion Project, TransCanada's Energy East Pipeline Project and natural gas pipelines in B.C.



**Maya Stano**, Partner, Gowling WLG, Vancouver, BC. Maya practices corporate, natural resource, environmental and Indigenous law. Maya has a wide range of legal experience assisting individuals, companies, governments and Indigenous Nations on resource development, including mining, forestry, large and small scale hydro projects, oil and gas, nuclear and cannabis. Maya also assists Indigenous Nations with economic

development and governance-related matters, such as relations and agreements with other governments, law-drafting, stewardship, and protection of Title, Rights and interests. In addition to being a lawyer, Maya is a professional geological engineer and is actively engaged on numerous boards and committees, including Engineers and Geoscientists British Columbia (Division of Environmental Professionals), Mine Environmental Neutral Drainage and Georgia Strait Alliance.



**Mary Teegee**, Executive Director of Child and Family Services, Carrier Sekani Family Services, Takla Lake First Nation, British Columbia. Mary is Gitk'san and Carrier from Takla Lake First Nation, and is a proud member of the Luxgaboo Wolf Clan. Within CSFS, Mary oversees the provincially delegated programs, youth services, family preservation, maternal child health, and the Highway of Tears Initiative, as well as violence

prevention programs. Mary is a relentless advocate for human, Indigenous, and women's rights and has served on various provincial, national, and international committees. She represents BC on the Board of the First Nations Child and Family Caring Society of Canada, has acted as a Steering Committee member of the First Nation Early Childhood Development Council, and has been a member of the Provincial Ministers Advisory Council on Aboriginal Women.



**Michael Welters**, Partner, Aldridge + Rosling LLP, Vancouver BC. Michael advises on taxes and inter-governmental fiscal relations. Michael specializes in providing tax advice to the tax-exempt sector, including modern treaty nations, bands, municipalities, health authorities, school districts, charities and non-profit organizations. He provides those clients with advice on: obtaining or maintaining their income tax exempt

status and structuring new activities; complying with and mitigating their commodity tax obligations (e.g., PST, GST, property transfer tax); and the application of, or exemption from, annual property taxes. Michael teaches aboriginal tax as an adjunct professor at UBC Faculty of Law.

# INDIGENOUS GOVERNANCE

MAY 5<sup>TH</sup>, 2021 (DAY ONE)

**9:00 Welcome and Introduction by PBLI**

**9:05 Chairs' Welcome and Introduction**

**Maxime Faille & Aaron Christoff**  
Gowling WLG

## I. Internal Governance

**9:10 The Interplay between Traditional and Modern Indigenous Governance**

**Robert J. Dennis Sr.**  
Huu-ay-aht First Nations  
**Nathan Hume**  
Ratcliff & Company LLP

- Updating internal governance processes
- Incorporating traditional governance

**9:55 Questions and Discussion**

**10:05 Morning Break**

**10:20 Choosing Your Leaders**

**Elizabeth Bulbrook**  
White Raven Law

- Updating election codes
- Charter issues in elections
- Residency requirements for running and voting
- Common election disputes
- Impact of COVID-19 on election processes

**11:05 Questions and Discussion**

**11:15 Accountability and Discipline of Elected Members**

**Evan C. Duffy**  
Parlee McLaws LLP  
**Rob Louie**  
President of Band Members Alliance and  
Advocacy Association of Canada

- Developing discipline procedures
- Litigation: when internal processes run out

**12:00 Questions and Discussion**

**12:10 Lunch Break**

## II. Exercising Indigenous Jurisdiction

**1:15 First Nations Jurisdiction over Cannabis Production and Sale**

**Maya Stano**  
Gowling WLG

- Federal, provincial and Indigenous regulatory frameworks
- Application to cannabis production and sale on reserve lands
- Bylaws and other options for enforcement and regulation on reserve

**2:00 Questions and Discussion**

**2:10 Afternoon Break**

**2:25 Bill C-92 and Jurisdiction over Child and Family Services**

**Scott A. Smith**  
Gowling WLG  
**Mary Teegee**  
Carrier Sekani Family Services

- Exercise of jurisdiction over child and family services
- Minimum standards under the Act
- Interaction with Indigenous self-governance models

**3:10 Questions and Discussion**

**3:20 Jurisdiction over Lands - The First Nations Land Management Act**

**Michael McDonald, Q.C.**  
Clark Wilson LLP

- Overview of the key provisions and application of the FNLMA
- Ambiguities within the FNLMA and practical strategies to navigate them
- Preparation and adoption of Land Codes by First Nations

**4:05 Questions and Discussion**

**4:15 Chairs' Closing Remarks for Day One**

**4:20 Forum Concludes for Day One**

**REGISTER TODAY!**

# INDIGENOUS GOVERNANCE

MAY 6<sup>TH</sup>, 2021 (DAY TWO)

## 9:00 Welcome & Reflections on Day One

Maxime Faille & Aaron Christoff  
Gowling WLG

### III. Indigenous Self-Governance

## 9:10 Self-Government Agreements

Maxime Faille  
Gowling WLG

- Self-government agreements: current practices and common issues

## 10:00 Questions and Discussion

## 10:10 Morning Break

## 10:25 Panel Discussion: Enforcing Your Nation's Laws

Facilitated by: Grand Chief Peter Johnston  
Council of Yukon First Nations

Featuring: Michelle Ball  
Public Prosecution Service of Canada

- Enforcement strategies and procedures
- Lessons learned from real life examples

## 11:25 Questions and Discussion

## 11:35 Taxation Under Self-Government Agreements

Michael Welters  
Aldridge + Rosling LLP

- Taxation powers under self-government arrangements (modern treaties and stand-alone agreements)
- Property tax, property transfer tax, First Nations sales tax, First Nations GST and personal income tax

## 12:25 Questions and Discussion

## 12:35 Lunch Break

### IV. Governance and Indigenous Economic Development

## 1:30 Structuring your Economic Development Corporation

Gary Campo  
Woodward & Company LLP

- Strategies and pitfalls for setting up and structuring your economic development corporation

## 2:20 Questions and Discussion

## 2:30 Afternoon Break

## 2:45 Panel Discussion: Practical Applications of Economic Development Entity Governance

Facilitated by: Aaron Christoff  
Gowling WLG

Featuring: Chief Justin Napoleon  
Saulteau First Nation

- Lessons learned from real life examples

## 3:45 Questions and Discussion

## 3:55 Chairs' Closing Remarks

## 4:00 Forum Concludes

## INFORMATION

### Four Ways to Register:

1. Telephone us: 604-730-2500 or toll free 877-730-2555
2. Fax us: 604-730-5085 or toll free 866-730-5085
3. Mail your registration form with payment
4. Register at [www.pbli.com/1660](http://www.pbli.com/1660)

**Registration:** The registration fee is \$1,045.00 plus GST of \$52.25 totalling **\$1,097.25** covering your access to the live webinar and electronic materials.

**Group Discount:** Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration.

**Payment:** You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the program.

**When and Where:** Check-in begins at 8:30 a.m. The program starts at **9:00 a.m. (PDT)**. Attend via Live Webinar: All you need is a computer with a good internet connection and external plug-in speakers or good headphones for optimal audio and volume.

**Materials:** The faculty will prepare papers and/or other materials explaining many of the points raised during this program. Please contact us at [registrations@pbli.com](mailto:registrations@pbli.com) if you are unable to attend the program and wish to purchase a set of materials.

**Your Privacy:** We will keep all information that you provide to us in strict confidence, other than to prepare a delegate list containing your name, title, firm and city for our faculty and the program delegates. We do not share our mailing lists with any non-affiliated organization.

**Cancellations:** Full refunds will be given for cancellations (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**April 28<sup>th</sup>, 2021**). After that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content, availability of webinar or venue for this event.

**Course Accreditation:** Attendance at this course can be listed for up to **11.33 hours** of continuing professional development with the Law Societies of BC and Ontario. For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.

## Registration Form Pacific Business & Law Institute

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## INDIGENOUS GOVERNANCE

May 5<sup>th</sup> & 6<sup>th</sup>, 2021

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