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# INDIGENOUS SELF-GOVERNMENT 2023

Co-Chaired by

**Maxime Faille**  
Gowling WLG

**Paul Seaman**  
Gowling WLG

April 11 & 12, 2023 • UBC Robson Square (800 Robson Street) • Vancouver, BC  
*Live Webinar also available!*



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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 is a partner in the Vancouver office of Gowling WLG, where he practises Indigenous law and constitutional litigation. He is also adjunct professor of law at the University of British Columbia Peter A. Allard School of Law, where he teaches First Nation Taxation. Max's clients principally consist of Indigenous governments and businesses across Canada, as well as private and public sector interests working 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.



**Paul Seaman**, Partner, Gowling WLG, Vancouver, BC. Paul Seaman is a partner at Gowling WLG and national leader of the firm's Indigenous Law Practice Group. He is also a member of the Environmental Law Group.

Working out of the firm's Toronto and Vancouver offices, Paul has a leading national practice and acts on complex constitutional, regulatory, and transactional matters. His Indigenous law practice focuses on projects and transactions where the Crown's duty to consult Indigenous Peoples is engaged. This includes acting for clients in the contexts of formal regulatory processes, and government-to-government and commercial negotiations involving Indigenous communities, industry, and government. Paul has represented Indigenous clients in the courtroom, boardroom, and around the negotiation table across Canada on several large scale and high-profile resource development projects, and in related litigation before all levels of court, including the Supreme Court of Canada. The subject matter of those mandates has included mining, oil & gas pipelines, LNG, forestry, and electricity generation and transmission projects.

## Indigenous Self-Government 2023

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 Indigenous peoples, revitalize the internal operations of First Nations, and renew relationships with other nations, governments and external stakeholders.

This 1.5 day program brings together representatives from First Nations and leaders in the field of Aboriginal and Indigenous law for a comprehensive discussion of Indigenous governance, tax, 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:

- Models and pathways for self-government
- Perspectives from self-governing nations
- Taxation powers and economic sovereignty
- Recent changes to federal policy
- First Nation jurisdiction over child and family services and the implications of Bill C-92
- Enforcement of a Nation's laws

### Who Should Attend:

- Lawyers practising in the areas of Aboriginal law, administrative law, and business law
- Indigenous 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



**Chief Darcy Bear**, Whitecap Dakota First Nation, Whitecap, SK. Chief Darcy Bear has dedicated himself to the betterment of his community and nation since being elected to Council in 1991 at the age of 23. In 1993, Darcy was elected as Chief of Whitecap, and is currently serving his 27th year as Chief of WDFN. As

Whitecap's leader, Chief Bear has always maintained a focus on community development, and has worked to bring greater fiscal accountability, transparency and good governance to the community. He has been widely recognized for his economic, business and community development achievements and has received numerous awards to recognize these accomplishments.



**Mary Childs**, General Counsel, Tsawwassen First Nation, Tsawwassen, BC. Mary Childs is general counsel for Tsawwassen First Nation. Previously, she was associate counsel in the social impact group at Miller Thomson LLP. Mary chairs the board of governors of the Law Foundation of British Columbia and is a part-time member

of the Passenger Transportation Board; she is vice-chair of the Motor Dealer Customer Compensation Fund Board. She has law degrees from UBC law school and Oxford University. Mary has contributed her time to numerous charities and community groups. She has held academic positions in law faculties in both Canada and the United Kingdom, and published scholarly articles on a variety of legal topics. In both 2021 and 2022 she was named by Business in Vancouver as one of the province's most influential business leaders.



**Victoria Fred**, Independent Associate Counsel, Ratcliff LLP, Whitehorse, YK. Victoria is the assistant negotiator and legal counsel for the Teslin Tlingit Council who signed the first Administration of Justice Agreement in Canada on February 21, 2011. She is also the chief negotiator for the Kwanlin Dün administration of

justice negotiations (since June 2012), and served as a protector for the Lanalxh (Prosperity) Trust from 2007-2017. Victoria currently serves as the protector to the Little Salmon/Carmacks Trust (July 2017 to present). Victoria also serves as a political and legal advisor to the AFN Yukon Regional Chief. Victoria maintains a vibrant practice focused on administrative law, Indigenous law, traditional knowledge, administration of justice and trusts as these areas primarily apply to Yukon First Nation issues. Victoria is Tlingit and a member of the Gaanaxtei.di Clan; a mother and grandmother; a drum carrier for the Dakhká Khwáan Dancers; and a beneficiary and citizen of the Kwanlin Dün First Nation.



**Dr. Bill Namagoose**, C.M., Cree Nation Government, Nemaska, QC. Dr. Namagoose is the recently retired and long-serving Executive Director of the Cree Nation Government. Dr. Namagoose's whole career, over some 40 years has been devoted to the service of the Cree Nation of Eeyou Istchee. After serving as

Chief of his own Cree community of Waskaganish in the early 1980's, he was asked by former Grand Chief Dr. Matthew Coon Come to assume the post of Executive Director of the Cree Nation Government. He served in this capacity for about 35 years. In this capacity, Dr. Namagoose has been a key strategist, negotiator and spokesperson for the Cree Nation in its landmark agreements over at least the last 20 years. These include the Cree-Quebec Paix des Braves (2002), Cree-Canada New Relationship Agreement (2008), Cree-Québec Governance Agreement (2012) and Cree-Canada Governance Agreement (2017). His experience in, and his contribution to, Indigenous self-government are among the most significant in Canada. In recognition of Dr. Namagoose's contributions to the Cree Nation and to Indigenous self-government, Carleton University made him Doctor of Laws, honoris causa, in June 2022, and the Government of Canada made him a member of the Order of Canada in December 2022.



**Krista Robertson**, Partner, Mandell Pinder LLP, Vancouver, BC. Krista advocates for Indigenous communities through strategic negotiations, litigation, and governance building. Her focus is always on tangible results that advance self-determination and community well-being. With her diverse, national practice, Krista is a member of

the law societies of British Columbia, Ontario, the Yukon and the Northwest Territories. Krista's litigation experience encompasses criminal defense, administrative, and environmental law. She spends much of her time in the communities she works with and has experience with diverse legal contexts including historic treaties, modern land claim agreements, Aboriginal rights litigation, and a broad range of Indigenous legal systems.



**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 SPONSORSHIP PROGRAM

PBLI offers sponsored registrations to individuals of First Nation, Inuit, or Métis Descent. One sponsorship is available per program. This sponsorship program is designed to make the education and networking opportunities at our conferences more accessible to Indigenous communities. For application details, visit [www.pbli.com/scholarship-programs](http://www.pbli.com/scholarship-programs).

# INDIGENOUS SELF-GOVERNMENT 2023

## APRIL 11, 2023 (DAY ONE)

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

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

Maxime Faille & Paul Seaman, Gowling WLG

**9:10 Indigenous Self-Government: Models and Pathways**

Maxime Faille & Paul Seaman, Gowling WLG

- Theoretical foundations of Indigenous self-governance
- The role of Indigenous legal frameworks
- Translating frameworks into practical application

**10:00 Questions and Discussion**

**10:10 Refreshment Adjournment**

**10:25 Round Table: Self-Government in Practice**

Mary Childs, Tsawwassen First Nation

Dr. Bill Namagoose, Cree Nation Government

- Current perspectives from self-governing nations

**11:45 Questions and Discussion**

**11:55 Catered Lunch**

**12:55 Economic Sovereignty and 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
- UNDRIP implications of land taxes

**1:45 Questions and Discussion**

**1:55 New Federal Approaches and Policies to Self-Government**

Maxime Faille, Gowling WLG

- Overview of the Canada's "Inherent Right" Policy and its evolution
- Current mandates/approaches to self-government
- Changes to federal policy re s. 87 tax exemption phase-out for self-governing nations

**2:45 Questions and Discussion**

**2:55 Refreshment Adjournment**

**3:10 Case Study: The Whitecap Dakota Self-Government Agreement**

Chief Darcy Bear, Whitecap Dakota First Nation

- Negotiation and ratification
- Success stories and lessons learned

**4:00 Questions and Discussion**

**4:10 Chairs' Closing Remarks for Day One**

**4:15 Forum Concludes for Day One**

## APRIL 12, 2023 (DAY TWO)

**9:00 Welcome and Reflections on Day One**

Maxime Faille & Paul Seaman, Gowling WLG

**9:10 Bill C-92: Implications for Indigenous Nations**

Paul Seaman, Gowling WLG

- Exercise of jurisdiction over child and family services
- Minimum standards under the *Act*
- Interaction with Indigenous self-governance models
- The Bill C-92 Reference: implications of the decision

**10:00 Questions and Discussion**

**10:10 Refreshment Adjournment**

**10:25 Human Rights Protection in Indigenous Self-Government**

Krista Robertson, Mandell Pinder LLP

- Legal sources of indigenous self-government
- Constitutions and election laws as modern exercises of 'keystone' self-government rights
- The impact of the *Corbiere* decision on indigenous self-government
- Does (and should) the Charter apply to indigenous self-government laws
- The development of human rights codes by indigenous communities as a pathway to resolve competing concerns

**11:15 Questions and Discussion**

**11:25 Enforcement of Laws**

Victoria Fred, Ratcliff LLP

- Policing and enforcement
- Guardianship programs
- Dispute resolution processes

**12:15 Questions and Discussion**

**12:25 Chairs' Closing Remarks**

**12:30 Forum Concludes**

## INFORMATION

### Two Ways to Register:

1. Telephone us: 604-730-2500
2. Register at [www.pbli.com/indgov23](http://www.pbli.com/indgov23)

**Registration:** The registration fee is \$1,220.00 plus GST of \$61.00 totalling **\$1,281.00**. Registration fee covers your attendance at the program, electronic materials, a catered lunch and refreshments throughout the day.

**Early Bird Discount:** Register by March 13, 2023 and receive a \$150 discount on the registration fee (\$1,070.00 plus GST). Discounts cannot be combined.

**Group Discounts:** Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration. Discounts cannot be combined.

**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)**. UBC Robson Square is located at the basement level of **800 Robson Street** in Vancouver, BC. Please visit <http://robsonsquare.ubc.ca/find-us/> for directions.

**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 electronic 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/Transfers:** 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 (**March 31, 2023**). 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 and transfer in-person registration to webinar registration for this event.

**Course Accreditation:** Attendance at this course can be listed for up to **9 hours** of continuing professional development credits with the Law Societies of BC and Ontario. For practitioners in other jurisdictions, please check your governing body's CPD requirements.

## Registration Form

### Pacific Business & Law Institute

Unit 2 - 2246 Spruce Street  
Vancouver, BC Canada V6H 2P3  
Telephone: 604-730-2500; Fax: 604-730-5085  
E-mail: [registrations@pbli.com](mailto:registrations@pbli.com)

## INDIGENOUS SELF-GOVERNMENT 2023

April 11 & 12, 2023

UBC Robson Square, 800 Robson Street, Vancouver, BC

- In person (\$1,220+GST)
- In person (Early Bird, \$1,070+GST)
- Live webinar (\$1,220+GST)
- Live webinar (Early Bird, \$1,070+GST)

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### Please indicate your areas of interest for future notifications (select all that apply):

Aboriginal Rights & Title    Economic Development    Aboriginal Tax    Aboriginal Justice    Other \_\_\_\_\_

### How did you hear about this program?

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