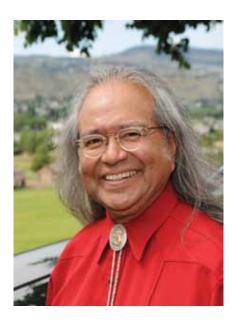


# Annual Report 2014/2015



### **Message from the Chief Commissioner**





C.T. (Manny) Jules, Chief Commissioner/CEO



As Chief Commissioner of the First Nations Tax Commission (FNTC), I am pleased to present our eighth annual report to the Minister of Aboriginal Affairs and Northern Development Canada, to First Nations, and to their taxpayers.

Each year the FNTC develops a corporate plan to detail its work for the next fiscal year. The annual report provides an assessment of our performance in achieving the previous year's corporate plan objectives as well as an opportunity to highlight some of our key accomplishments and initiatives. The FNTC has completed all proposed corporate plan work for 2014-2015.

In reflecting back on the year, it is clear that the First Nation property tax system continues to demonstrate growth, vitality and innovation. We see emerging First Nation tax authorities in every region of the country. This is due in large part to a stronger appreciation of how First Nation property tax powers are better equipped to respond to community objectives and aspirations. The ability to raise revenue and determine how it will be spent is an illustration of self-sufficiency. Not only are more First Nations setting up tax systems, they are adding new revenue powers like development cost charges and property transfer taxes. Along with local revenue borrowing laws, these revenue powers are helping First Nations build critical capital infrastructure to support economic growth.

While property taxation continues to provide much needed revenue for First Nation economies, sometimes lost in the discussion are the other positive impacts it has on First Nation governments. Benefits include consistent and clearer First Nation law-making, improved service agreement negotiations between First Nation governments and municipalities, better taxpayer relations, and greater transparency to taxpayers and members. These improvements make First Nations governments stronger governments and stimulate even greater investment on First Nation lands. Property taxation also means a real change in the way First Nations approach fiscal planning and financial management. Moving away from being solely dependent on other government fiscal transfers is perhaps one of the greatest contributions property tax jurisdiction has made for First Nations.



On June 26th, 2014, the Supreme Court of Canada confirmed aboriginal title to a defined area in the Tsilhqot'in decision. There have been divergent opinions about the impacts of this decision. While the decision restored property rights for First Nations, it also created some economic uncertainty for investors as well as fiscal and jurisdictional uncertainty for federal and provincial governments.

Last year the FNTC began to work with First Nations interested in realizing practical benefits from the Tsilhqot'in decision through two optional initiatives. First, more communities have become interested in the First Nation Property Ownership (FNPO) initiative. developed by proponent First Nations working with the FNTC, as a practical method to implement First Nation title with a First Nation title registry system. Second, a number of First Nations have approached the FNTC about establishing an aboriginal resource tax on resource development projects within their territories. An aboriginal resource tax could significantly reduce the time to negotiate resource projects in First Nation territory. The FNTC began meeting with proponent First Nations advancing the aboriginal resource tax concept to other First Nations, governments and industry. For interested First Nations, these two options could generate more fiscal and economic benefits from their aboriginal title and provide more certainty to other governments and investors.

This response to the Tsilhqot'in decision provides an example of how First Nation institutions can reduce uncertainty and provide options for First Nation participation in the economy and federation, benefitting not only First Nations but also all Canadians.

In September 2014, I had the honour and privilege to appear before the Senate Standing Committee on Aboriginal Peoples to speak in support of the *Indian Act Amendment and Replacement Act* (Bill C-428), the private members bill proposed by Mr. Rob Clarke, MP. Bill C-428 proposed that a by-law passed by First Nations pursuant to sections 81 or 85.1 comes into force on the day it is first published. This, in effect,

removed the Minister's authority to disallow these bylaws. It also includes the *First Nations Gazette* as an option for First Nations to publish their by-laws. This expanded purpose for the Gazette is in line with the technical work done to the FNG infrastructure this past year transitioning the annual volume to a searchable digital format.

The Commission continues to respond to new opportunities and challenges. The FNTC charted a series of recommendations to amend the *First Nations Fiscal Management Act* (FMA). The proposed amendments will make the legislation more flexible and responsive to the needs of First Nation governments and taxpayers, increase administrative efficiencies for participating First Nations, and promote greater investor confidence in First Nation debenture financing. We are grateful for the support we have received for the amendments from First Nations, tax administrators and taxpayers.

Working with interested First Nations to coordinate and promote concepts for change is only a small part of our job. The FNTC has always believed that good research leads to good policy, standards and laws. This policy and legal foundation supports accredited training, software and dispute prevention systems. In the coming year, we will work to ensure the FNPO and aboriginal resource taxation proposals evolve beyond concepts so that we can do what we do best – support the implementation of positive First Nation changes.

I hope you find our annual report informative. I invite your comments, feedback, and insights as we support the growing First Nations tax system in 2015/2016.

C.T. (Manny) Jules Chief Commissioner

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"Let me be a free man, free to travel, free to stop, free to work, free to trade where I choose, free to choose my own teachers, free to follow the religion of my fathers, free to talk, think and act for myself."

- Chief Joseph, 1879

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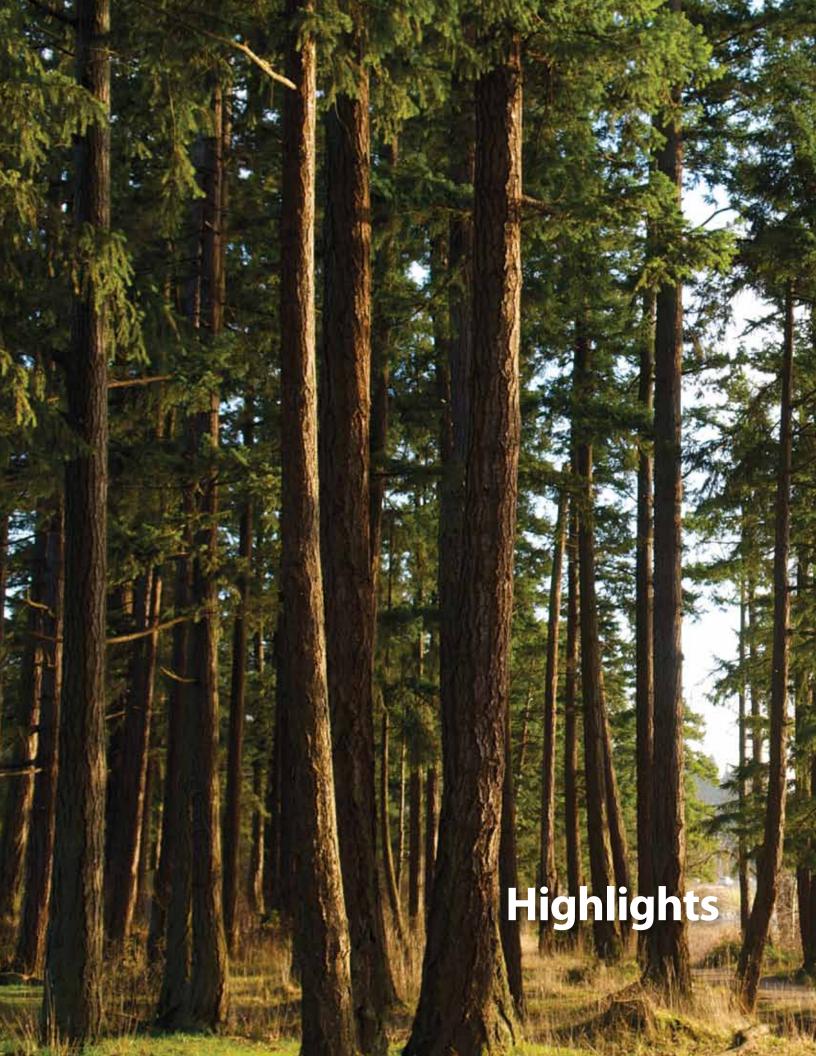




### 10 Years of Progress

March 23rd, 2015 marked 10 years since the *First Nations Fiscal Management Act* (FMA) received Royal Assent. The FNTC and First Nation tax authorities have accomplished much in the past decade:

- Increased Participation: 33 First Nations were on the first Schedule to the FMA in 2008. Today, 147 First Nations are on the Schedule, with 23 First Nations added in the past year.
- Expanded Revenue: First Nation property tax systems finance the provision of
  quality local services and infrastructure that enable communities to grow and
  prosper. These revenues pay for water systems, sewer systems, roads and
  transportation, recreation, governance and other types of local services that
  benefit both leaseholders and First Nation members. Since 1989, First Nation
  property tax revenues have totaled almost \$1 billion.
- First Nation Jurisdiction: Last year, the FNTC approved 149 FMA laws and recommended 71 s.83 by-laws for approval by the Minister of AANDC. In the past 10 years, the FNTC has approved 768 laws and recommended 767 bylaws for approval.
- Expanding Law Making Powers: The FNTC assists First Nations in implementing their local revenue jurisdiction. Currently available on the website are 10 Policies and Procedures, 13 FMA Standards, 49 sample FMA laws and Explanatory Notes and 24 Sample s.83 by-laws. The FNTC provides sample laws and support for the development of an assortment of fiscal powers including: Development Cost Charges, Services Taxes, Business Activity Taxes, and Taxpayer Representation to Council Laws, in addition to property tax, assessment, rates and expenditure laws and by-laws. The FNTC reviews standards and samples each year and as necessary modifies them to address emerging policy issues or changes in law.
- Promoting Transparency: The First Nations Gazette expanded in response to the
  passage of the Indian Act Amendment and Replacement Act (December 2014),
  which named the First Nations Gazette as one of the options for First Nations
  to meet publication and access requirements. The First Nation Gazette now
  provides access to over 3000 First Nation laws, by-laws, and notices.
- Integrity of Data: 33 First Nation tax administrators now use the FNTC's Tax
  Administration System (TAS) online cloud computing application. This
  significantly improves the security and reliability of data required to administer
  First Nation tax systems. The FNTC continues to improve its websites, software,
  mobile applications, and online curriculum to provide tools and information to
  First Nations, taxpayers and Canadians.
- Multiplying Success: In 2014, the fourth cohort of tax administrators began the university accredited First Nation tax administration program. 108 students from 70 First Nations have participated in this program since 2008. The FNTC and the Tulo Centre for Indigenous Economics also deliver workshops to interested First Nations groups that enable participants to expand their knowledge of various aspects of First Nation taxation through participatory activities. Tulo Centre students and graduates are champions for the benefits of property taxation and economic development, sharing their knowledge and skills with their communities to enhance revenue options and generate long term prosperity for generations.
- Building Economies: Property taxation enables First Nations to establish
  government-to-government relationships with adjacent jurisdictions through
  service agreements that allow both parties to increase efficiency, reduce
  duplication, and increase economies of scale. The FNTC has helped to facilitate
  over 20 service agreements between First Nation and local governments over
  the past 10 years.
- Access to Capital Infrastructure: The FNTC provided support to the first debenture issued by the First Nations Finance Authority (FNFA). The first bond issue totaled \$90 million and involved 14 First Nations. The capital raised by the debenture will be used by the First Nations to build and make improvements to roads, water and waste systems, as well as improve power/lighting and public buildings. The next bond issue is anticipated in 2015, and is expected to exceed \$100 million.





### **Proposed FMA Amendments**

Since becoming operational in 2007, the FNTC has charted a series of recommended changes to the *First Nations Fiscal Management Act* (FMA) and its associated regulations to improve access to the legislation, increase efficiencies, reduce administrative burden, and strengthen legislative clarity. These recommended changes have been drawn from FNTC's operational experience with the legislation as well as from a wide spectrum of stakeholders including First Nations, tax administrators, assessors, and First Nation legal counsel.

The FNTC advanced many of these recommended changes to Aboriginal Affairs and Northern Development Canada (AANDC) in 2011, and they would be later reflected in the Minister of Aboriginal Affairs and Northern Development's "Report to Parliament on the Legislative Review of the First Nations Fiscal and Statistical Management Act – March 2012". The Report also contained other recommendations put forth by the First Nations Finance Authority (FNFA) and the First Nations Financial Management Board (FNFMB).

In December 2014, the FNTC completed its work to develop legislative proposals aimed at improving the FMA. Of the forty-three amendments advanced by the FMA institutions, 15 are amendments proposed by the FNTC. The FNTC has received resolutions of support for its proposed amendments from key national stakeholders, including the First Nations Tax Administrators Association, the Canadian Property Tax Association, and the Canadian Energy Pipeline Association.

At the March 12th, 2015 meeting of the House of Commons Standing Committee on Aboriginal Affairs and Northern Development, just before the 10th anniversary of the FMA, leaders of the FMA institutions presented the case in support of the proposed amendments. The leaders of the FMA institutions also met with the members of the Senate Standing Committee on Aboriginal Peoples. Subsequent to the end of the reporting period, the FMA amendments proposed by the Institutions were incorporated into federal legislation that was introduced into parliament for approval.

# Opportunities to expand jurisdiction, resource development taxation

In June 2014, for the first time in Canadian history, the Supreme Court of Canada (SCC) granted a declaration of Aboriginal title to the Tsilhqot'in Nation, and affirmed that Aboriginal title includes a right to the economic benefits of the land. Described by many as a "game changer", the Court's judgment has implications to the ongoing and future work of the FNTC.

The FNTC has undertaken research to examine options for implementing Aboriginal title and the implications for expansion of First Nation tax jurisdiction under the FMA. The research will lead to an examination of how tax jurisdiction under the FMA could apply within traditional territories.

A number of First Nations asked the FNTC to work with them on resource development taxation and the challenges and opportunities that lay ahead for First Nations. The FNTC presented its proposal for First Nation resource development taxation in its 2015 pre-budget submission to Canada.



Resource development is offering many First Nations an unprecedented new tax jurisdiction opportunity. Oil prices are lower than in previous years, but other resources remain strong. Forecasters are projecting that as much as \$650 billion in resource project investment is coming to Canada over the next ten years. This investment would create an enormous economic footprint that could greatly enrich the country and help us meet the tremendous funding challenge of societal aging.

### First Nation Gazette Expands in Response to Passage of the Indian Act Amendment and Replacement Act (Bill C-428)

Following passage by Parliament of the *Indian Act Amendment and Replacement Act* (C-428), First Nations now have three options for the publication of their s.81 and s.85.1 by-laws: in the First Nations Gazette, on a website, or in a newspaper that has general circulation in their community.

As of December 16, 2014, First Nations are no longer required to forward these by-laws to the Minister (AANDC), and the Minister no longer has the authority to disallow these by-laws. The amendments to the Indian Act eliminate Ministerial oversight and create new requirements for First Nations to publish all by-laws.

The FNTC supported Bill C-428 because it provides needed changes to the Indian Act and underscores the importance of the *First Nations Gazette* as a governance tool for First Nations.

The first s.81 by-law published in the *First Nations Gazette* following the passage of C-428 was the Halfway River First Nation's *By-law for the Observance of Law and Order*, published on December 23rd, 2014.

The *First Nations Gazette* is published by the FNTC in association with the Native Law Centre of Canada, University of Saskatchewan.

## Inaugural First Nation FMA Debenture

A key element of the FMA is the institutional framework that it provides to support First Nation debentures. On June 20th, 2014, the First Nations Finance Authority (FNFA) announced the first debenture ever secured by First Nation governments under the borrowing framework of the FMA. The first bond issue totaled \$90 million and involved 14 First Nations.

The FMA debenture system brings the borrowing needs of participating First Nations together in the form of a bond which FNFA then sells to institutional investors. The proceeds from the sale are distributed to borrowing First Nations who pay back the low interest, long-term loan over 10 to 30 years. Under the FMA, First Nations can pledge other revenues (e.g., royalty payments, transfers, or casino revenue) or local revenue (e.g., property tax, service taxes, or business activity taxes). The inaugural debenture was based on using other revenue to service the debt payments.

Participating First Nations include:

- Cowichan Tribes First Nation (BC)
- Moricetown Indian Band (BC)
- Membertou First Nation (NS)
- Nipissing First Nation (ON)
- Osoyoos Indian Band (BC)
- Penticton Indian Band (BC)
- Songhees First Nation (BC)
- Splatsin First Nation (BC)
- St. Theresa Point First Nation (MB)
- Sts'ailes Band (BC)
- Taku River Tlingit First Nation (BC)
- Tzeachten First Nation (BC)
- We Wai Kai Nation (BC)
- Wet'suwet'en First Nation (BC)

The capital raised by the debenture will be used by the First Nations to build and make improvements to roads, water and waste systems, as well as improve power/lighting and public buildings.



# Open Textbook: Building a Competitive First Nation Investment Climate

The FNTC continues to build First Nation capacity through the accredited certificate programs, workshops, presentations, and original research. These endeavours offer First Nations tools and best practices for efficient tax systems and good investment climates that protect taxpayer interests.

With support from the First Nations Tax Commission, The Tulo Centre of Indigenous Economics released the first edition of its open textbook *Building a Competitive First Nation Investment Climate*. It is the first open textbook on this subject.

The textbook is available to First Nations to use as a resource on how to create the administrative, fiscal and legal framework to support markets on First Nations lands. The Tulo Centre also invites First Nations to submit case studies to assist in transferring knowledge and best practices to other First Nations.

This textbook was conceived and developed by the Tulo Centre and was inspired by the life work of Clarence T. (Manny) Jules, FNTC Chief Commissioner, whose vision to restore First Nation and tribal jurisdiction and political power through economic development inspires the work of the FNTC.

Tulo Centre Textbook: Building a Competitive First Nation Investment Climate

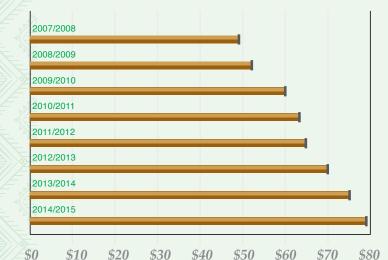


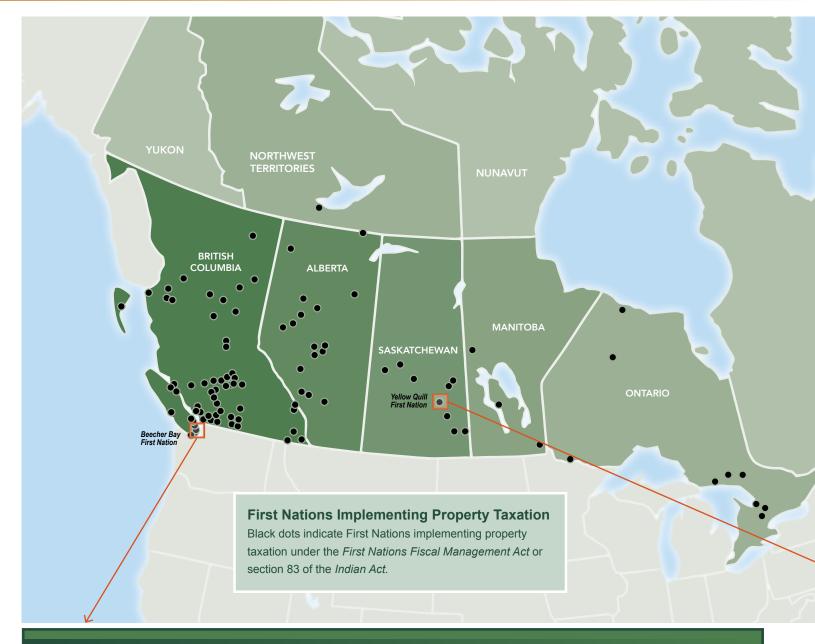
#### **Number of First Nations on FMA Schedule**



23 Additional First Nations Join FMA Schedule

#### **Estimated Property Taxation Revenue**





### Improving Taxpayer Relations –

### Beecher Bay First Nation Representation to Council Law



Beecher Bay (Sc'ianew) First Nation's Taxpayer Representation to Council law was approved by the FNTC on September 16th, 2014. The new law will improve communications and foster positive relations between taxpayers and the First Nation.

Under the new law, the Beecher Bay First Nation commits to keeping taxpayers informed of property taxation proposals and activities and to providing ways for taxpayers to provide input to Sc'ianew on property taxation matters.

In addition to publishing a newsletter at least once per year regarding property taxation matters and providing updated information on the First Nation web site, Sc'ianew will host at least one open house in each year to provide

information on property taxation matters, explain proposals for property taxation for the year and address taxpayers' questions. Council will also designate at least one Council meeting each year for the taxpayer association to make representations to the Council respecting property taxation matters.



#### 23 Additional First Nations Join FMA Schedule

147 First Nations have now joined the FMA. This represents 24% of all First Nations in Canada. The number of participating First Nations has continued to increase since the FNTC became operational in 2007.

Canada added 14 First Nations to the Schedule of the FMA on October 8, 2014 and an additional 9 First Nations on February 27th, 2015.

#### October 8th, 2014:

- Black River First Nation, MB
- Halalt First Nation, BC
- Malahat First Nation, BC
- Mohawks of the Bay of Quinte, ON
- Ochapowace First Nation, SK
- Peters Band, BC
- Pictou Landing First Nation, NS
- Rolling River First Nation, MB
- Saik'uz First Nation, BC
- Saugeen First Nation, ON
- · Saulteau First Nations, BC
- Scowlitz First Nation, BC
- Semiahmoo First Nation, BC
- Ts'kw'aylaxw First Nation, BC

#### February 27th, 2015:

- Behdzi Ahda First Nation, NT
- Berens River, MB
- Ehattesaht First Nation, BC
- Bande des Innus de Pessamit, QC
- M'Chigeeng First Nation, ON
- Muskowekwan First Nation, SK
- Nak'azdli Band, BC
- Seton Lake Indian Band, BC
- Stellat'en First Nation, BC

### FMA Tax Jurisdiction Facilitates Development of Urban Reserves – Yellow Quill First Nation



In June, the Yellow Quill First Nation enacted its Property Taxation and Assessment Laws, becoming the first Saskatchewan First Nation to develop their laws entirely under the First Nations Fiscal Management Act. Yellow Quill joins Whitecap Dakota First Nation, White Bear First Nations, and Muskeg Lake Cree Nation taxing under the FMA, and is now among nine communities collecting tax under either the FMA or the Indian Act.

For Yellow Quill, the laws are integral to the First Nation's plan to develop its Treaty Land Entitlement (TLE) Lands in downtown Saskatoon into an office complex. Property tax revenue will pay for the services provided by the City of Saskatoon to the office complex, and will afford Yellow Quill the ability to improve and expand community infrastructure and services.

In development for over a year, the laws are key to Yellow Quill's vision of continued community growth. "Yellow Quill and its membership are proud of establishing this jurisdiction," said Yellow Quill First Nation Chief Larry Cachene. "The decision to tax, particularly the decision to use the FMA, had a lot do with creating the best opportunities for investment and economic growth."





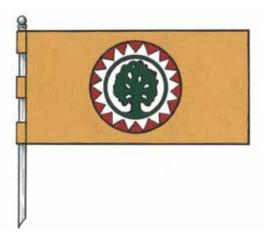
### Mandate of the FNTC from Section 29, FMA

#### The purposes of the Commission are to:

- ensure the integrity of the system of first nations real property taxation and promote a common approach to first nations real property taxation nationwide, having regard to variations in provincial real property taxation systems;
- ensure that the real property taxation systems of first nations reconcile the interests of taxpayers with the responsibilities of chiefs and councils to govern the affairs of first nations;
- prevent, or provide for the timely resolution of, disputes in relation to the application of local revenue laws;
- assist first nations in the exercise of their jurisdiction over real property taxation on reserve lands and build capacity in first nations to administer their taxation systems;
- develop training programs for first nation real property tax administrators;
- assist first nations to achieve sustainable economic development through the generation of stable local revenues;
- promote a transparent first nations real property taxation regime that provides certainty to taxpayers;
- h. promote understanding of the real property taxation systems of first nations; and
- provide advice to the Minister regarding future development of the framework within which local revenue laws are made.

### Memorandum of Understanding (MOU) s. 83

Through an agreement with the Minister of Aboriginal Affairs and Northern Development Canada (AANDC), the FNTC provides advice regarding the approval of s. 83 by-laws and delivers services to First Nations exercising property tax jurisdiction under s. 83 of the Indian Act.



#### Structure

The FNTC is a shared-governance institution with a Chief Commissioner, a Deputy Chief Commissioner, and eight commissioners from across Canada. The Governor in Council appoints nine of the Commissioners and, under regulations, the Native Law Centre, University of Saskatchewan, appoints one Commissioner. The Commissioners for 2014/2015 are as follows:



- C.T. (Manny) Jules, Kamloops, BC (Chief Commissioner/CEO)
- David Paul, Tobique, NB, (Deputy Chief Commissioner)
- Dr. Céline Auclair, Gatineau, QC
- Leslie Brochu, Kamloops, BC
- Lester Lafond, Saskatoon, SK
- Ken Marsh, Okotoks, AB
- William McCue, Georgina Island, ON
- Latrica (Terry) Babin, Windermere, BC
- Randy Price, North Vancouver, BC
- Ann Shaw, Chateauguay, QC

#### **Commissioners of the First Nations Tax Commission**



Back Row L-R: David Paul, Ken Marsh, Randy Price, William McCue, Lester Lafond Front Row L-R: Leslie Brochu, Ann Shaw, C.T. (Manny) Jules, Dr. Céline Auclair, Latricia (Terry) Babin

#### Governance

The FNTC maintains a best practices approach for good governance. It operates in keeping with a comprehensive governance and management policy and the Chief Commissioner has established the following committees to support the work of the FNTC:

- **Executive Management Committee**
- Management Committee
- **Audit Committee**
- Section 83 Rates Committee
- Education and First Nation Tax Administrators Association Committee
- International Relations Committee
- First Nations Gazette Editorial Board

Committees consist of Commissioners only, or a mix of Commissioners, staff, and other professionals, as appropriate.

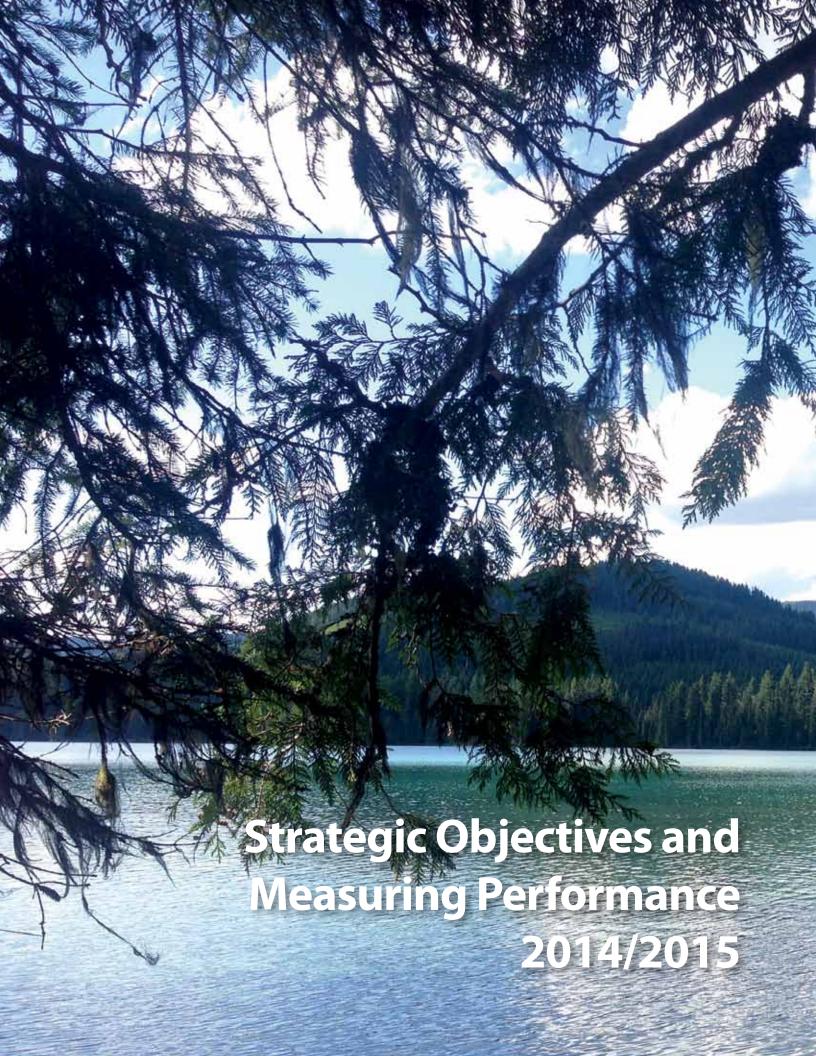
Pursuant to section 26 of the FMA, the FNTC maintains a head office on the reserve lands of the Tk'emlúps te Secwépemc and an office in the National Capital Region.

The FNTC is supported by a Secretariat with an allocation of twenty-one full time equivalents comprised of staff and professionals with expertise related to the FNTC mandate who assist the FNTC on a contract basis.

The FNTC operates six business lines, as illustrated below.

### **Organization and Business Lines**

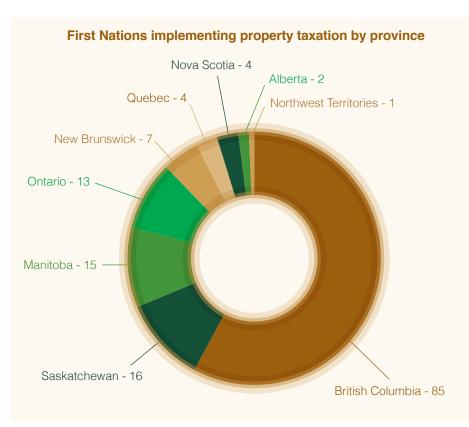






### Strategic Objectives and Measuring Performance

The FNTC sets out its strategic objectives and performance measures annually in its Corporate Plan. Below is a summary of the FNTC 2014/2015 objectives and its performance for each objective.





FNTC Annual General Meeting. An objective of the FNTC is to reconcile interests and create mutual benefits for First Nations governments and stakeholders in the First Nation tax system.

### **Strategic Objectives and Measuring Performance**



Corporate Services	
OBJECTIVES & ACTIVITIES	PERFORMANCE
Produce and approve annual Corporate Plan, work plan and financial plan	Completed
Manage capital requirements for head office and national capital region office	Ongoing
Update financial reporting and TCA reporting systems	Completed
Commission and staff training and provide professional development	Ongoing
Hold 4 general FNTC meetings and 6 law review meetings	Completed
Provide administrative management and committee support	Ongoing
Meet ATIP and Info Source reporting requirements	Ongoing
Manage First Nations Gazette including:  Implement marketing strategy  Develop and distribute marketing materials  Initiate discussion with the federal government regarding s.81 by-laws	Completed
Information Management  Implement any recommendations arising from work with Library and Archives Canada  Revise and update information management procedures manual  Implement email management solutions	Ongoing
Manage special initiatives and projects concerning:  • Local revenue debenture borrowing  • FNPO  • Tax revenue sharing  • FNGST	Completed

Policy Development				
OBJECTIVES & ACTIVITIES	PERFORMANCE			
Develop, seek public input on, and present at least three of the following Standards for approval by the Commission:  • Property taxation  • Borrowing  • Rates  • Expenditures  • DCCs  • Taxation under s.5(1)(a) laws with regional applications	Completed			
Continue to review s.83 property tax and assessment policies, and explore possible s.83 utility and well drilling tax by-laws	Ongoing			
Initiate or continue research and policy development in at least 8 of the following:  • Tax exemption agreements • Best practices in assessment appeal procedures • Best practices in tax enforcement • ATRs and local government tax loss – research • Pipelines and property taxation – research • BATs for resource industries • Mining taxes • Utility taxes • TLE and property taxation – policy paper	Completed			
Initiate or continue at least 3 of the following projects with other institutions related to:  • Local revenue account management  • Synthesizing borrowing process and materials with FNFA  • Borrowing coordination  • Support for First Nation economic development  • Local revenue account statistics  • Improve law development coordination with FMB	Completed			
Complete FNTC Pre-Budget Submission	Completed			

### **Strategic Objectives and Measuring Performance**



Law, By-law Review and Regulations				
OBJECTIVES & ACTIVITIES	PERFORMANCE			
Develop or modify up to 4 sample laws in the following areas:  • Taxation under s.5(1)(a) laws with regional applications  • Property taxation  • Borrowing  • Rates  • Expenditure  • DCCs	Completed			
Review annual and non-annual FMA laws	Completed			
Revise and update law review manual	Completed			
Support legislative amendments from FMA Seven-Year Review	Completed			
Review of s.83 by-laws	Completed			
Support up to 10 First Nations to transition to FMA	Completed			
Maintain registry of First Nation laws and by-laws	Ongoing			
Develop or modify sample s.83 by-laws in the following areas:  • Local improvement by-law  • Taxation by-law - SK, MB, ON, NB, and NS  • Assessment by-law - SK, MB, ON, NB and NS	Completed			
Monitor legal developments including Bill C-428	Completed			

Communications	
OBJECTIVES & ACTIVITIES	PERFORMANCE
Develop and publish (print/electronic) Annual Report in both official languages	Completed
Coordinate and develop materials for FNTC Annual General Meeting	Completed
Streamline and maintain website - work to update content of website, increase efficiency of the website's content manager/admin module	Ongoing
Coordinate and develop presentations	Completed
Update local revenue expenditure guide	Ongoing
Ensure FNTC meets OLA requirements	Ongoing
Maintain email distribution database	Ongoing
Support FNPO communication	Ongoing
Publish Clearing the Path quarterly newsletter	Completed
Update communication materials, including content and brand guide	Completed
Create a content library	Completed
Update real property taxation guide in both official languages	Completed
Manage special initiatives and projects concerning:  • Local revenue debenture borrowing  • FNPO  • Tax revenue sharing  • FNGST	Completed

Education	
OBJECTIVES & ACTIVITIES	PERFORMANCE
Develop textbook and case study for Certificate in First Nation Tax Administration	Completed
Deliver 1 accredited online course	Completed
Support FNTC partners in the development and delivery of 4 workshops for First Nations	Completed
Deliver through Tulo Centre and TRU, 7 accredited courses	Completed
Maintain and provide support for TAS	Ongoing
Continue to support training in First Nation tax administration	Ongoing
Continue to develop FNPO certificate program	Ongoing

Dispute Management				
OBJECTIVES & ACTIVITIES	PERFORMANCE			
Maintain roster of mediators and provide training	Ongoing			
Respond to requests for facilitation, dispute resolution	Ongoing			
Support services provided for:  • Provision of provincial assessment services to First Nations  • Development of taxpayer relations systems  • Service agreement negotiations as required	Ongoing			
Intervene in property tax litigation where appropriate	Ongoing			
Provide training to FNTC, selected First Nations and Tulo Centre  • Mutual gains negotiation  • Dispute resolution	Completed			

### **Risk Management Strategy Evaluation**



### **Risk Management Strategy Evaluation**

The Risk Management Strategy Evaluation illustrates how the FNTC managed risk during the previous year.

The table below summarizes how the FNTC anticipated and managed risks in accordance with its 2014/15 corporate plan. The first column outlines the risks anticipated in the corporate plan. The second column lists events that occurred during the year that impacted the anticipated risks. The third column provides an overview of the FNTC management response to the events that occurred.

Anticipated Risk in 2014-2015 Corporate Plan	Events during 2014-2015	Management Approach
FMA amendments and FNPO legislation did not proceed	FMA amendments developed but not introduced by Parliament     FNPO legislation not developed but policy progress advanced	Considerable resources devoted to FMA amendments, work with parliamentarians to seek introduction     Work continued on FNPO policy issues
First Nation budget pressures increase demand for taxation	<ul> <li>Dampening economy and increased federal and provincial government restraint increases FN demand for alternative and stable sources of First Nation revenue especially in Saskatchewan and Alberta</li> </ul>	FNTC increases law development support and presentations in response to increased demand
Resource development and pipeline taxation interest	Supreme Court decisions increase interest in resource taxation     Lower oil prices increase pressure for pipelines to tidewater	FNTC releases resource tax policy proposal     FNTC receives requests from several First Nations for presentations and support     FNTC to expand resource tax research focus in 2015-2016
Taxpayer concerns converting fees to taxation in Manitoba and Ontario	Federal Court supports FN tax jurisdiction in Buffalo Point (MB) dispute     Some interest from Ontario FNs	· Assessment of policy framework and transition requirements. Review of standards.
Increased local revenue debenture demand	First FMA debenture issued but limited demand for local revenue backed debentures	· Provide support for local revenue borrowing as demand increases
Capacity development and workshop demand	Increased demand from land managers,     Saskatchewan and Manitoba First Nations     Increased demand for Tulo courses	Additional workshops provided     Identified as priority for 2015-2016

### **Corporate Services**



### **Corporate Services**

The Corporate Services business line maintains an effective work environment for FNTC service areas. and operates the FNTC and its Secretariat in keeping with the FMA Part 2, Part 6, and the Corporate Plan. Corporate Services is also responsible for the management of the First Nations Gazette and any special projects or initiatives that the FNTC undertakes.

In 2014/15, Corporate Services continued to manage the administrative and capital infrastructure for the FNTC. It organized Commission meetings, and ensured that planning, reporting, Access to Information Act, Official Languages Act, and Privacy Act requirements were all met. The information management system continues to be improved, and work began on a disposition and record keeping program with Library and Archives Canada. The First Nations Gazette continues to operate its full range of services including publication of First Nation laws, by-laws, land codes and public notices. Special initiatives included institutional coordination to support and promote local revenue debenture borrowing; tax revenue sharing; advancing FMA amendments; First Nations Goods and Services Tax (FNGST); First Nation Property Ownership (FNPO) Initiative; and several research projects.

NESAYKA MAMOOK CHEE WAYHUT. This is the Chinook motto meaning "We build a new path" and refers to the FNTC's role in assisting First Nation governments to develop and establish property tax jurisdiction.

#### **KEY ACCOMPLISHMENTS**

FNTC Meetings - In 2014/15, Corporate Services organized 13 Commission meetings and 13 s.83 Rates Committee meetings. Special presentations at the meetings included those from Aboriginal Affairs New Brunswick and Library and Archives Canada.

**Operational Planning and Reporting - Corporate** Services is responsible for the development of the FNTC's corporate plans, financial plans and work plans as well as the development of FNTC's annual report and financial reports. The FNTC completed the 2015/16 Corporate Plan in February and AANDC approved it in March 2015.

Access to Information, Official Languages, and **Privacy Act Requirements** - Corporate Services ensured that the FNTC met its obligations with respect to the Access to Information Act and the Privacy Act. It also ensured that services and materials were available in both English and French in keeping with the Official Languages Act.

Administrative Infrastructure - Corporate services manages the administrative and capital infrastructure requirements for the FNTC. Various projects to increase the administrative efficiency and operation of the Commission were undertaken and implemented during 2014/15, including enhancements to the tangible capital asset reporting systems and financial reporting systems, delivery of professional development training for staff, access to information training, and continued development of operational procedures manuals for key operational and administrative functions.



33 First Nations were on the first Schedule to the FMA in 2008. Today, 147 First Nations are on the Schedule, with 23 First Nations added in the past year.

### **Corporate Services**



#### **KEY ACCOMPLISHMENTS CONTINUED**

Information Management System (IMS) - Corporate Services has engaged planning for work with Library and Archives Canada to improve the FNTC's disposition and recordkeeping programs. Other IMS improvements included updating the Information Management Manual, developing and implementing a web based client management system to support the law registration process, enhancing email management, and completing the move of the IT infrastructure to a cloud-based environment.

First Nations Gazette (FNG) - Corporate Services manages the operations of the First Nations Gazette, including the www.fng.ca website and searchable database. The FNG provides free online access to First Nation public notices, FMA laws, Indian Act by-laws and First Nation Land Management Act land codes. In 2014-15, the FNG published 220 laws/by-laws, 98 notices, and 23 standards and procedures.

The FNG is a free, web-based service that provides a quick, easy, secure and reliable permanent archive to meet these new requirements. In addition to publishing new s.81 and s.85.1 by-laws for First Nations in the FNG, in 2014-15, the FNTC undertook research with AANDC regarding the potential inclusion in the FNG of all s.81 and s.85.1 by-laws currently in force that have been approved by AANDC. As well, for the first time, AANDC used the notification component of the FNG to give notice of changes to Indian Act election regulations, and the Five Year Review of the Specific Claims Tribunal Act.

**Special Initiatives** - In 2014/15, Corporate Services managed the following special initiatives and projects:

Institutional coordination to support and promote local revenue debenture borrowing: The FNTC fostered greater collaboration to promote increased interest in local revenue securitization. Both the FNTC and FMB held joint staff sessions to increase corporate synergies and to better understand each institution's regulatory function and services to FMA First Nations to support local revenue securitization.

- Tax Revenue Sharing: The FNTC conducted preliminary research at the request of some First Nations about the fiscal benefits received by First Nations in resource development. The research results led these First Nations to propose an Aboriginal Resource Tax.
- Advancing Legislative Amendments: The FNTC worked with the FMA institutions and the federal government to advance amendments to the FMA that would reduce administrative burdens on First Nations and facilitate access. to the FMA.
- First Nation Goods and Services Tax (FNGST): The FNTC responded to requests for FNGST presentations from five First Nations. Three of these First Nations completed the process to implement their FNGST jurisdiction with the federal government in the last fiscal year.
- First Nations Property Ownership (FNPO) Initiative: The FNTC continued its work with the federal government to advance the FNPO Initiative by working toward completion of a draft technical working paper as a framework for possible legislation and providing communication support to proponent and interested First Nations.
- Research: The FNTC conducted two significant research projects last year. The first demonstrated that the fiscal impacts of additions to reserves on local governments are minimal. The second focussed on the rationale and preliminary design considerations for an Aboriginal Resource Development Tax Jurisdiction.



### **Policy Development**



### **Policy Development**

The Policy Development business line develops and implements, through a transparent process, effective standards and policies. These policies and standards support First Nation jurisdiction, reflect sound administrative practices, and increase First Nation, taxpayer, and investor confidence in the integrity of the First Nation local revenue system.

In 2014/15, Policy Development carried out public input processes, and developed amendments for several standards. It continued its work on several business activity tax (BAT) law applications including accommodation tax, mining tax, and taxation of oil transmission activity. Policy Development responded to emerging policy issues related to additions to reserves, comprehensive land claims and utility taxation. It initiated policy discussion on pre-budget submission options and law development issues, and developed the 2015/2016 policy workplan. Policy Development also collaborated with the FMB and the First Nations Tax Administrators Association (FNTAA) on several projects, and prepared FMA legislative amendment materials.

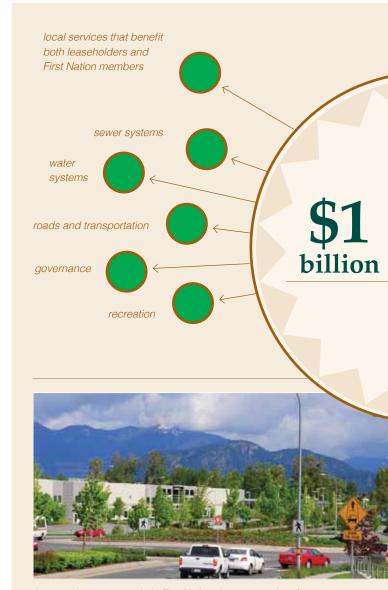
#### **KEY ACCOMPLISHMENTS**

#### **Standards**

**Changes to Taxation of Agricultural Properties** in Saskatchewan - In September 2014, the FNTC amended its Standards for First Nation Property Assessment Laws and Standards for First Nation Tax Rates Laws to enable First Nations in Saskatchewan to establish an alternative cost effective mechanism to assess and tax properties in two agricultural classes: arable and non-arable. Assessment service providers and First Nations in Saskatchewan proposed the changes to the standards in October 2013 as a part of FNTC's public input process. First Nations in Saskatchewan can now opt to tax agricultural properties on the basis of area (i.e., per acre), instead of on the basis of assessed value.

#### Standards for Development Cost Charges (DCC)

Laws - The FNTC amended the DCC Standards to guide the use of DCC laws by First Nations in Saskatchewan. First Nation DCC laws require developers to pay a one-time DCC payment at the time of development approval or building permit issuance. The proposed amendments maintain existing provisions in the DCC Standards, with variation to ensure First Nation DCC laws in Saskatchewan are similar to practices in that province.



Increased tax revenues help First Nations improve services for taxpayers and help to fulfill community aspirations.

### **Policy Development**



#### **Research and Policy Development**

**FNTC's Submission to the AANDC Review of** the Comprehensive Claims Policy - The FNTC prepared a submission to the AANDC Review of the Comprehensive Claims Policy outlining the intersection between Canada's desire to advance a Section 35 Framework for Reconciliation and the work of the FNTC.

#### **Business Activity Tax (BAT) Applications: First Nation Accommodation Tax and First Nation Mining**

Tax - The FNTC continued research on BAT models for establishing an accommodation tax (or hotel tax) and a mining tax under the FMA. This included examining whether other governments have established this authority, addressing jurisdictional issues, and research concerning the legislative and regulatory framework that could support this form of taxation on reserve.

**FNTC Review of the Additions to Reserve (ATR)** Policy (Net Tax Loss Compensation) - In December 2014, the FNTC completed research into the impact of urban ATRs on municipal property tax revenues in response to some comments from local government groups regarding the proposed revisions to the AANDC policy on ATRs and Reserve Creation. Results showed that the potential for municipalities to lose property tax revenues when a First Nation acquires land within a municipality and converts it to reserve status is either zero or small and where it is small it is more than offset by other fiscal benefits.

**Collaborative Work with the First Nations Financial** Management Board (FMB) - The FNTC collaborated with the FMB in the development of FMB standards for local revenue account reporting and financial management systems. The FNTC also developed a draft Guide to Local Revenue Accounts for First Nation finance officers.

FMA Amendments - Policy Development researched various issues to support the development and refinement of the proposed legislative changes to the FMA.

Federal Pre-Budget Submission - Policy Development also coordinated the development of the FNTC's federal pre-budget submission for 2015.

### Law, By-law Review and Regulations

The Law, By-law Review and Regulations business line supports the FNTC's law and by-law review responsibilities under both the FMA and the MOU with the Minister of AANDC. Further, it supports FNTC's advisory function in the development of FMA regulations that includes monitoring regulatory impacts and developing proposals.

In 2014/15, the Law, By-law Review and Regulations business line continued to develop and update sample laws and by-laws, and revise and update the law review manual. It reviewed First Nation laws and bylaws submitted to the FNTC and provided law review summaries to the Commission. It also assisted First Nations in the preparation of their annual and other local revenue laws. Law, By-Law Review and Regulations supported the advancement of the proposed FMA amendments, maintained a registry of First Nation laws and by-laws and monitored legal developments.





Investment drives economies by creating jobs and more infrastructure, which expands the tax base for the First Nation.

### Law, By-law Review and Regulations



#### **KEY ACCOMPLISHMENTS**

Law Approval / By-law Review - In 2014/15, the FNTC reviewed and approved 149 FMA laws and recommended 71 by-laws for approval by the Minister of AANDC.

First Nation Law Development Support - The FNTC provides support and assists First Nations in the development of their FMA laws. For some First Nations, this involves replacing s.83 bylaws and for others this involves developing new FMA laws. In 2014/15, the FNTC worked with 9 First Nations to implement new or replacement FMA assessment and property taxation laws. The FNTC also provided law development support for the first Taxpayer Representation to Council and Property Transfer Tax Laws.

Sample Laws - Law, By-law Review and Regulations developed and the Commission approved sample laws or amendments to sample laws in the following areas:

- Development Cost Charges in Saskatchewan
- Property Transfer Tax in BC
- Mining Tax
- Accommodation Tax

Sample By-laws - In the past year, the Commission approved sample taxation and assessment by-laws for British Columbia, Alberta (as well as an amalgamated tax and assessment by-law), Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick and Nova Scotia. The sample local improvement by-law was also approved.

Annotated Law Project - Law Review developed Explanatory Notes to accompany the sample laws and to provide First Nation tax administrators, leadership, and legal advisors with more complete explanations of important aspects of the laws and the choices that the First Nation is making as they draft their law.



#### **Communications**

The Communications business line promotes understanding of the First Nation real property tax system and its potential to assist First Nations in their economic development.

In 2014/15, the FNTC finalized a five year communications strategy to help the Commission communicate effectively and meet core objectives, as well as align communications and organizational objectives to ensure the proper resourcing of communications activities. The communications strategy includes highlighting success stories in multimedia format (including videos) and making information accessible and relatable.

Communications improved and maintained the FNTC websites, published Clearing the Path (the FNTC's quarterly newsletter), and developed booklets highlighting the tools and resources of the FNTC. Communications also provided support for presentations, completed the annual report and organized the annual general meeting.

#### **KEY ACCOMPLISHMENTS**

Website - The website was redesigned including the content and document management systems. New features were introduced to the website including:

- Toolkits: The new toolkit page has a simplified toolkit for each type of law/by-law. Toolkits include a description of the law/by-law, the associated standards, sample laws/by-laws, and explanatory notes.
- Newsfeed: The newsfeed is updated regularly with current topics, notices, information, stories, videos, statistics, etc. The newsfeed is searchable and useful for visitors to the website.

Mobile Application - A new addition to the FNTC's communication tools, the mobile application is downloadable on mobile devices and assists in reaching audiences in a timely manner as well as augmenting presentations and other communications requirements.

### **Communications**



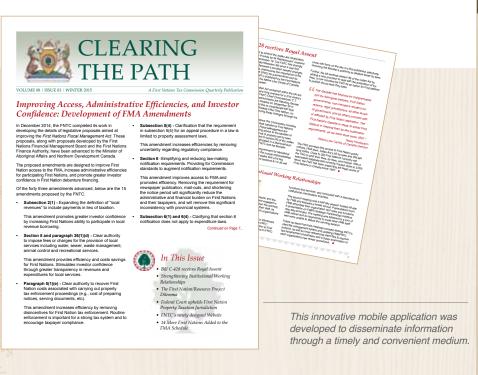
#### **KEY ACCOMPLISHMENTS CONTINUED**

**Communication Strategy** - The Communications Strategy improves the effectiveness of FNTC communications by aligning communication methods and key messages with our audiences. This document informs the direction and priorities of communications for the short, medium, and long-term timeframes. The strategy highlights the importance of storytelling as an effective and powerful mode of communication. Storytelling, including First Nations telling their own stories about their experiences with property taxation, relays information, provides relatable context and helps to create a sense of community among First Nations and between First Nations and the Commission.

Print Media - Communications coordinated the production of two series of print media communications products:

1. Clearing the Path: Four editions of Clearing the Path were published and distributed electronically and in hard copy. The newsletter contains important bulletins and information for First Nation tax authorities and their taxpayers, as well as updates and insight on current events, success stories and best practices.

- 2. Information Booklets: The FNTC published four booklets highlighting the tools and resources the FNTC provides. These compact 12-page booklets summarize the benefits of each topic area through bold visuals and simple text:
  - The FNTC booklet highlights the benefits of implementing property tax and features two First Nation success stories.
  - The FNG booklet highlights the ways in which a person would use the FNG website for publishing and researching First Nation laws and notices.
  - The Tulo booklet highlights the benefits of tools and training for the effective implementation of First Nation property tax.
  - The FNPO booklet focuses on the importance of First Nations having the ability to own lands on reserve and the benefits that would be available under the FNPO Initiative. The booklet contains compelling quotes from FNPO proponents in support of the initiative.





### **Education**



Presentations - In 2014/2015, the FNTC made 34 presentations related to First Nation taxation, the FMA, and growing First Nation economies to taxpayers, First Nations, governments and the public, including the National Aboriginal Land Managers Association (NALMA) Atlantic Region Summit, the Canadian Property Tax Association, First Nations 4 Land Management, and the Saskatchewan Aboriginal Land Technicians. In addition, the FNTC held seven meetings regarding the First Nations Property Ownership Initiative (FNPO).

Corporate Support - Communications participated in the development and production of the annual report, and also coordinated and developed materials for the FNTC Annual General Meeting. Throughout the fiscal year, Communications worked with Corporate Services to ensure that the FNTC continues to meet OLA requirements.

#### Tulo is the Chinook word for profit.

Historically, Chinook was the language of trade used by First Nations on the west coast of the Americas. At the Tulo Centre of *Indigenous Economics, we are sharing the* language of economic prosperity.

#### **Education**

The Education business line promotes an understanding of the real property taxation systems of First Nations, develops training programs for First Nation real property tax administrators, and builds capacity in First Nations to administer their taxation systems.

The FNTC works with the Tulo Centre of Indigenous Economics and Thompson Rivers University (TRU) to support the delivery of courses from the Certificate in First Nation Tax Administration and the Certificate in First Nation Applied Economics.

The Tulo Workshop series was successful this year in raising awareness about the programs and services available through the First Nations Tax Commission, the Tulo Centre of Indigenous Economics, the First Nations Gazette and the Tax Administration System. Going forward the FNTC will look at ways to engage with audiences through workshops and conference presentations.

To set a solid foundation for anticipated growth of the programs, the Education is planning on creating administrative procedures and course instruction manuals as well as obtaining statistics from the Tulo Centre's Student Database to assist with forecasting.



The Education program facilitates the transfer of best practices and knowledge so First Nations can open the door to their economic potential.



Graduates of the Certificate in First Nation Tax Administration program

Education is key in securing a healthy and sustainable First Nation property tax system.

### **Education**



#### **KEY ACCOMPLISHMENTS**

Course Delivery - Course delivery contributes to building capacity in First Nations across Canada who are implementing property tax jurisdiction. It helps to ensure the dissemination of best practices for efficient tax systems and good investment climates that protect taxpayer interests. Course delivery also helps to build a strong network of educated tax administrators. Five courses were delivered to the fourth cohort in the Certificate in First Nation Tax Administration program. Two courses were delivered to the second cohort in the Certificate in First Nation Applied Economics program.

**Graduation** - Five students completed the certificate requirements for the First Nation tax administration program in 2014/2015. The students graduated with a joint certificate from Thompson Rivers University and the Tulo Centre of Indigenous Economics in June 2014. The graduates represent First Nation tax administrators from British Columbia and Manitoba and are prepared to administer high quality First Nation property taxation systems.

**Open Text Book** - The Tulo Centre released the first edition of its electronic open textbook "Building a Competitive First Nation Investment Climate". It is the first textbook on this subject. This textbook increases access to Tulo Centre and FNTC research and is based on original curriculum developed by the Tulo Centre for the Certificate in First Nation Applied Economics program. It is available free of charge on the Tulo website, as well as on the BC Campus Open Textbook Project web site (www.open.bccampus.ca) and in a printed version.

Education programs offer communities the tools to general profit and long term prosperity that will serve for generations.

Workshop Series - In partnership with the Tulo Centre, FNTC offered workshops based on curriculum from its property taxation courses. Workshops delivered included the following:

- Implementing Property Tax Jurisdiction
- Property Taxation and Lands Management
- Communication and Conflict Resolution
- How to Write Effective Briefing Notes

Student Database - Developed in 2014/15, the Tulo Student Database will enable Tulo to track students' progress through the Tulo Certificate programs and to produce useful statistics. Over six years, 108 students from 70 First Nations have completed at least one course in the program. Of those students, 47% have completed at least five courses and 32% have completed the eight courses required for a certificate. Based on the available data, our evaluation suggests that Tulo student First Nations with FMA taxation authority have both increased the number of laws passed before the yearly deadline and have outperformed non-Tulo FMA First Nations in this regard.

Tax Administration System - The FNTC provides the new Tax Administration System (TAS) for the use of First Nations tax authorities. The software is accessed through an innovative cloud-based internet application at TAScloud.ca, and TAS service providers offer a full range of user support. TAS is available for tax administrators working in British Columbia, Alberta, Saskatchewan, Manitoba and Nova Scotia. Ontario and New Brunswick versions are currently in development. TAS provides all of the necessary tools to operate a First Nation tax system including the ability to calculate tax rates and compare budgets, an automated process for generating annual laws and by-laws, access to historical data, relevant reports including assessment growth, tax rate comparisons and referencing jurisdiction trends.



### **Dispute Management**



### **Dispute Management**

The Dispute Management business line provides for the timely resolution of disputes in relation to the application of local revenue laws and provides support to First Nations in negotiations related to expanding tax jurisdiction and completing service agreements.

In 2014/15, Dispute Management continued to respond to inquiries from taxpayers and First Nations and provided facilitation services related tax rates, services and service agreements.

#### **KEY ACCOMPLISHMENTS**

Facilitation Requests - Dispute Management responded to a number of facilitation requests to support negotiations or resolve disputes related to the FMA or s.83 of the Indian Act. The requests included service agreement support in Manitoba and British Columbia and addressing on-reserve taxpayer inquiries in British Columbia, Saskatchewan, and Manitoba.

Service Agreement Negotiations - The FNTC continues to facilitate service agreements between First Nations and local governments on request. In 2014/2015, the FNTC provided support to First Nations negotiating service agreements with local governments and also facilitated the resolution of a dispute that ensured the requirements of agreements that are in place are maintained.

First Nations are moving beyond dependency to become sustainable communities that provide affordable quality services.

Roster of Mediators - The FNTC continues to maintain the roster of qualified mediators and provides training opportunities for mediators listed on the roster.

Litigation Monitoring and Intervention - The FNTC continues to monitor and respond to legal challenges to the First Nations tax system and, where appropriate, intervenes. FNTC intervened in one property tax related court case.

**Support Services** - The FNTC continues to provide support services for the provision of provincial assessment services to First Nations in all provinces. Support is also provided for the development of taxpayer relations systems and service agreement negotiations, as required.

**Training** - The FNTC, in conjunction with the Tulo Centre of Indigenous Economics, continues to provide training to FNTC staff and selected First Nations in the areas of mutual gains negotiations and dispute resolution.

Property taxation helps First Nations build secure futures for their communities by generating dependable sources of revenue and providing certainty for investors.







### **First Nations Tax Commission Financial Statements**

For the year ended March 31, 2015

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#### Management's Responsibility for Financial Reporting

The accompanying financial statements of the First Nations Tax Commission ("FNTC") are the responsibility of management and have been presented to the Commission for its acceptance.

The financial statements have been prepared by management in accordance with Canadian generally accepted accounting principles for public sector accounting. Financial statements are not precise since they include certain amounts based on estimates and judgments. When alternative accounting methods exist, management has chosen those it deems most appropriate in the circumstances, in order to ensure that the financial statements are presented fairly in all material respects.

The FNTC maintains systems of internal accounting and administrative controls of high quality, consistent with reasonable cost. Such systems are designed to provide reasonable assurance that the financial information is relevant, reliable and accurate and that FNTC's assets are appropriately accounted for and adequately safeguarded.

The FNTC is responsible for ensuring that management fulfills its responsibilities for financial reporting and is ultimately responsible for reviewing and approving the financial statements. Council carries out this responsibility principally through its Audit committee.

The Chief Commissioner and the Commissioners review the FNTC's financial statements and recommend their approval. The Audit Committee meets periodically with management, as well as external auditors, to discuss internal controls over the financial reporting issues, to satisfy themselves that each party is properly discharging their responsibilities, and to review the annual report, the financial statements and the external auditor's report. The Commission takes this information into consideration when approving the financial statements. The Commission also considers the engagement of the external auditors.

The financial statements have been audited by BDO Canada LLP in accordance with Canadian generally accepted auditing standards on behalf of the Commission. BDO Canada LLP has full access to the Commission.

Chief Commission

Commissioner



Tel: 250 372 9505 Fax: 250 374 6323 www.bdo.ca

**BDO Canda LLP** 300 - 272 Victoria Street Kamloops, BC V2C 1Z6 Canada

**Independent Auditor's Report** 

#### To the Commissioners of the First Nations Tax Commission

We have audited the accompanying financial statements of the First Nations Tax Commission ("FNTC") as at March 31, 2015, which comprise the statement of financial position and the statements of change in net financial assets, financial activities, and cash flows for the year then ended and a summary of significant accounting policies and other explanatory information.

#### Management's Responsibility for the Financial Statements

Management is responsible for the preparation of these financial statements in accordance with Canadian generally accepted accounting principles for public sector accounting, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

#### Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the entity's preparation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of the FNTC as at March 31, 2015 and the results of its operations, change in net financial assets and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles for public sector accounting. The quantitative information is accurate in all material respects and was prepared on a basis consistent with that of the preceding year. The transactions of the institution that have come to our notice in the course of this examination were carried out in accordance with the First Nations Fiscal Management Act.

"BDO Canada LLP"

**Chartered Professional Accountants** 

Kamloops, British Columbia June 24, 2015

BDO Canada LLP, a Canadian limited liability partnership, is a member of BDO International Limited, a UK company limited by guarantee, and forms part of the international BDO network of independent member firms.

	First Nations Tax Commission Statement of Financial Position				
As at March 31		2015		2014	
Financial Assets Cash (Note 3)	\$	2,296,008	\$	2,261,252	
Accounts receivable (Note 4)	_	77,305		124,765	
	_	2,373,313		2,386,017	
Liabilities					
Accounts payable		828,236		792,119	
Contracts payable (Note 6)	_	1,246,291		1,388,268	
		2,074,527		2,180,387	
Net Financial Assets		298,786		205,630	
Non-financial Assets					
Prepaid expenses		28,054		38,835	
Tangible capital assets (Note 7)	_	166,666		248,468	
		194,720		287,303	
Accumulated Surplus (Note 11)	\$	493,506	\$	492,933	

Approved on behalf of the Commission:

Chief Commissioner

Commissioner

The accompanying summary of significant accounting policies and notes are an integral part of these financial statements.

### **First Nations Tax Commission Statement of Change in Net Financial Assets**

For the year ended March 31	Financial plan		2015		2014	
Annual Surplus	\$	-	\$	573	\$	176
Acquisition of tangible capital assets Amortization of tangible capital assets Gain on disposal of tangible capital assets Proceeds on sale of tangible capital assets		- - -		(87,205) 169,007 - -		(172,823) 146,253 320 (320)
	_	-		82,375		(26,394)
Acquisition of prepaid expenses		-		10,781		(1,225)
Net change in net financial assets		-		93,156		(27,619)
Net financial assets, beginning of year	_	205,630		205,630		233,249
Net financial assets, end of year	\$	205,630	\$	298,786	\$	205,630

The accompanying summary of significant accounting policies and notes are an integral part of these financial statements.

# **First Nations Tax Commission**

		State	men	t of Financ	cial	Activities
For the year ended March 31	Fi	nancial plan		2015		2014
Revenue						
Corporate Plan	\$	5,933,948	\$	5,965,427	\$	5,943,127
FNPOA* Legislative Development		464,940		464,940		964,880
Special Projects		237,600		237,600		-
FMA** Amendments - Communications Planning	_	112,320		112,320		<u> </u>
		6,748,808		6,780,287		6,908,007
	_					, ,
Expenses						
Corporate Plan		5,933,948		5,965,324		5,942,951
FNPOA* Legislative Development		464,940		464,943		964,880
Special Projects		237,600		237,544		-
FMA** Amendments - Communications Planning		112,320		111,903		-
		6,748,808		6,779,714		6,907,831
	_					
Annual surplus		-		573		176
Accumulated surplus, beginning of year		492,933		492,933		492,757
Accumulated surplus, end of year	\$	492,933	\$	493,506	\$	492,933

<sup>\*</sup>FNPOA - First Nations Property Ownership Act

The accompanying summary of significant accounting policies and notes are an integral part of these financial statements.

# **First Nations Tax Commission Statement of Cash Flows**

For the year ended March 31		2015	2014
Operating activities  Annual surplus Items not involving cash Amortization Gain on disposal of tangible capital assets	\$	573 169,007	\$ 176 146,253 (320)
Changes in non-cash operating balances Accounts receivable Prepaid expenses Accounts payable and contracts payable	_	47,460 10,781 (105,860)	(67,742) (1,225) (129,845)
Cash flows from operating activities	_	121,961	(52,703)
Capital activity Purchase of tangible capital assets Proceeds on sale of tangible capital assets	_	(87,205) -	(172,823) 320
		(87,205)	(172,503)
Net increase (decrease) in cash	_	34,756	(225,206)
Cash, beginning of year	_	2,261,252	2,486,458
Cash, end of year	\$	2,296,008	\$ 2,261,252

The accompanying summary of significant accounting policies and notes are an integral part of these financial statements.

<sup>\*\*</sup>FMA - First Nations Fiscal Management Act

### March 31, 2015

## 1. Significant Accounting Policies

#### Accounting Principles

The First Nations Tax Commission ("FNTC") prepares its financial statements in accordance with Canadian generally accepted accounting principles for public sector entities.

#### Revenue Recognition

Restricted contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted contributions are recognized if the amount to be received can be reasonably estimated and collection is reasonably assured. Interest and other income are recognized as revenue when earned.

No restricted contributions were received during the year.

### Tangible Capital Assets

Tangible capital assets are recorded at cost, which includes all amounts directly attributable to acquisition, development or retirement of the asset. Proceeds on disposal of tangible capital assets are recorded as revenue in the appropriate program.

The cost less residual value of the tangible capital assets are amortized using the straight line method with no half year rule at the following annual rates, which approximates the useful life of the assets:

Asset	Rate
Equipment	3 years
Furniture and fixtures	3 years
Leasehold improvements	5 years

#### Government Transfers

Government transfers are recognized in the financial statements in the period in which events giving rise to the transfers occur, providing the transfers are authorized, any eligibility criteria have been met and reasonable estimates of the amount can be made.

## Use of Estimates

The preparation of financial statements in accordance with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from management's best estimates as additional information becomes available in the future.

# Segmented Information

The FNTC has a head office in Kamloops, BC and an office in the National Capital Region. Distinguishable functional segments have been separately disclosed in the segmented information. The nature of the segments and the activities they encompass are as follows:

## **Commission Services**

FNTC has a Chief Commissioner and eight commissioners appointed by the Governor-in-Council and one commissioner appointed by the Native Law Centre of Canada at the University of Saskatchewan. The Commission Services business line includes the operational and support costs of the Chief Commissioner and the commissioners.

### 1. Significant Accounting Policies (Cont.)

#### Communications

The Communications business line promotes the understanding of First Nation real property taxation systems and communicates policy initiatives for the Commission through the publication of a quarterly newsletter, meetings and presentations to First Nations, attending and hosting professional conferences, preparing and distributing the FNTC annual report, developing and maintaining an internet website, and preparing and distributing marketing materials.

## Corporate Services

The Corporate Services business line provides financial, human resources, insurance, audit and administrative services to FNTC and is responsible for meeting corporate planning and reporting requirements as well as coordinating the annual general meeting and commission meetings. Corporate Services also has a lead role in meeting Access to Information Act, Privacy Act and Official Language Act requirements, corporate policy development and implementation, and providing management and support to meeting First Nations Fiscal Management Act ("FMA") administrative requirements.

#### Dispute Management

The objective of the Dispute Management business line is to prevent or provide for the timely resolution of disputes in relation to the application of FMA laws as well as to provide education, training and facilitation services to First Nation tax authorities as requested. Dispute resolution supports and manages the review of complaints.

#### Education

The Education business line promotes understanding of the real property taxation systems of First Nations, through public education, through the development of training programs for First Nation property tax administrators, and through the development of administrative tools to assist those First Nations.

#### Gazette

The Gazette business line manages the publication and distribution of the First Nations Gazette in conjunction with the Native Law Centre. The First Nations Gazette publishes First Nations laws, by-laws, sample laws, and notices under the FMA and the Indian Act through an online website, www.fng.ca.

#### Law, By-law Review, and Regulations

The Law, By-law Review, and Regulations business line reviews local revenue laws to ensure that they comply with the FMA and the associated regulatory framework and also provides support to First Nations in the law development process. The Law Review, By-law Review, and Regulations business line also develops sample laws under the FMA and by-laws under s.83 of the Indian Act. The law review business line also reviews and liaises with Aboriginal Affairs and Northern Development Canada ("AANDC") on the approval of s.83 by-laws and maintains a registry for both s.83 by-laws and FMA laws.

#### Policy Development

The Policy Development business line develops and implements policies and standards to support administrative practices to increase First Nation, taxpayer, and investor confidence and certainty in the integrity of the First Nation local revenue system.

### First Nation Property Ownership Initiative

This initiative is intended to allow First Nations to gain inalienable title and real jurisdiction over their lands. The Commission continued consultation on the development of the FNPO legislation.

### March 31, 2015

# 2. Nature of Operations

The FNTC is a national shared governance institution with a head office in Kamloops, BC and an office in Ottawa, ON. Its mission is to help First Nation governments build and maintain fair and efficient First Nation property tax regimes, and to ensure those First Nation communities, and their taxpayers alike, receive the maximum benefit from those systems. FNTC was created through passage of the First Nations Fiscal Management Act.

#### Cash

Cash is held in one Canadian Chartered Bank and earns interest at the current prevailing rate for business accounts. Canada Deposit Insurance Corporation ("CDIC") insures these deposits to the extent of \$100,000 per Canadian resident.

#### **Accounts Receivable**

Goods and Services/Harmonized Sales Tax rebates receivable Other

2015	2014
\$ 60,131 17,174	\$ 115,071 9,694
\$ 77,305	\$ 124,765

## 5. Employee Benefit Plan

The organization is the sponsor of an employee benefit plan for employees. At March 31, 2015 the accrued amount was \$434,049 (2014 - \$420,121) based on an actuarial report dated March 31, 2014.

# 6. Contracts Payable

The organization has commenced work and committed funds by contract to a number of projects that were in progress at year end.

# 7. Tangible Capital Assets

					2015				2014
				quipment,				Equipment,	_
		Leasehold	F	urniture &	T-4-1		Leasehold	Furniture &	Tatal
	In	nprovements		Fixtures	Total		mprovements	Fixtures	Total
Cost, beginning of year						_			
	\$	239,789	\$ 1	,697,983	\$ 1,937,772	\$	239,789	\$ 1,525,160	\$ 1,764,949
Additions				87,205	87,205		-	172,823	172,823
Cost, end of year		239,789	1	,785,188	2,024,977		239,789	1,697,983	1,937,772
Accumulated amortization,									
beginning of year		208,058	1	,481,246	1,689,304		197,481	1,345,570	1,543,051
Amortization		10,577		158,430	169,007		10,577	135,676	146,253
Accumulated amortization,									
end of year		218,635	1	,639,676	1,858,311		208,058	1,481,246	1,689,304
Net carrying amount,									
end of year	\$	21,154	\$	145,512	\$ 166,666	\$	31,731	\$ 216,737	\$ 248,468
									<u> </u>

## 8. Economic Dependence

FNTC receives substantially all of its revenue pursuant to a funding arrangement with the Government of Canada. In addition to the Government's base funding of \$5,933,948 (2014 - \$5,909,666), contributions by the Government and others are necessary for the FNTC to undertake specific research and policy development initiatives.

#### **Financial Instruments**

As part of the FNTC operations, the FNTC holds various financial instruments, consisting of cash and accounts receivable. The nature of these instruments and the FNTC's operations expose the FNTC to credit risk.

#### 10. Commitments

FNTC entered into an operating lease for its premises in Ottawa, ON. The office is leased at base rent \$3,177 plus additional rent and parking for a total commitment per month of \$6,640 plus applicable taxes under a lease expiring in March 2018.

FNTC entered into an operating lease for its premises in Kamloops, BC. The office is leased at \$4,922 per month plus applicable taxes under a lease expiring in March 2018.

FNTC has entered into various operating leases for equipment and network service to be used in their offices. The monetary range of these lease agreements is \$337 - \$2,135 per month plus applicable taxes with lease expiration dates ranging from August 2016 - August 2017.

Some of these leases contain clause that allow FNTC to terminate the agreement which may include a cancellation policy.

The minimum annual lease payments for the next three years are as follows:

2017	\$ 213,136
2018	182,631
2019	 138,748
	\$ 534,515

# 11. Accumulated Surplus

The Commission segregates its accumulated surplus in the following categories:

	 2015	2014
Investment in tangible capital assets Current funds	\$ 166,666 326,840	\$ 248,468 244,465
	\$ 493,506	\$ 492,933

The investment in tangible capital assets represents amounts already spent and invested in equipment and leasehold improvements.

## 12. Statements of Expenditures by Object

p	_	2015	2014
Amortization Operating Goods and Services Salaries and Honorarium	\$	169,007 4,251,999 2,358,708	\$ 146,253 4,511,004 2,250,574
	\$	6,779,714	\$ 6,907,831

# 13. Comparative Figures

Certain of the comparative figures have been reclassified to conform with the presentation adopted in the current year.

First Nations Tax Commission Notes to Financial Statements

March 31, 2015

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14. Se

For the year ended March 31, 2015	ŏ	Commission Services	Communications	ications	Corp	Corporate Services	Dispute Management		Education	Gazette	Law Review, By-Law Review and Regulations	Policy Development	FNPOA / Legislative t Development		Special Co Projects	FMA Amendment - Communications Planning	2015 Total
Revenue Government of Canada Interest Other Income	₩	895,035	\$	719,204 \$	2,5	253,591 \$ 27,464 15	190,948	€	533,806 \$	185,872	\$ 1,356,269	\$ 799,223	\$ 464,940	₩	\$ 237,600 \$	112,320	\$ 6,748,808 27,464 4,015
		895,035	7	719,204	1,28	,281,070	190,948		537,806	185,872	1,356,269	799,223	464,940		237,600	112,320	6,780,287
Expenses Salaries and honoraria Goods and services Amortization	_	573,919 252,345 18,600	n 4	219,539 490,375 7,013	45i 67; 10	458,691 673,951 102,445	60,997 136,158 -		116,502 426,361 24,940	- 174,847 4,000	609,930 803,390 7,405	319,130 480,180 4,604	- 464,942 -		- 237,544 -	- 111,906 -	2,358,708 4,251,999 169,007
		844,864	7	716,927	1,235,08	5,087	197,155		567,803	178,847	1,420,725	803,914	464,942		237,544	111,906	6,779,714
Net surplus (deficit)	€	50,171	æ	2,277 \$	\$ 45	45,983 \$	(6,207)	8	\$ (29,997)	7,025	\$ (64,456)	(4,691)	\$ (2)	\$	\$ 99	414	\$ 573
For the year ended March 31, 2014	රි	Commission Services	Communications	ications	Corp	Corporate Services	Dispute Management		Education	Gazette	Law Review, By-Law Review and Regulations	Policy Development	FNPOA Legislative Development	Special		FMA Amendment - Communications Planning	2014 Total
Revenue Government of Canada Interest	↔	883,931	₩		\$ 1,230,580 31,956	₩ 10	183,962	€	538,410 \$	187,815	\$ 1,353,747	\$ 811,784	↔	↔	<del>∨</del>	<del>σ</del>	6,874,546 31,955
Other Income		- 600 000		- 407 042	1 000	321	100000		- 600	1,185	- 4 050 747	- 204 704	- 684				1,506
Expenses Salaries and		607 324		159,454	1,20,	202,039 197 795	103,902 708,028		330,410	000,6801	747,000,1	407,110 400,010			.  .		0,900,007
Goods and services		261,305	4)	556,171	77.5	710,587	231,196		348,580	171,914	810,559	455,812	964,880			•	4,511,004
אווסווולמוסוו		877,939	-	716,761	1,259	259,156	284,024		468,272	171,914	1,415,517	749,368	964,880		. .	.   .	6,907,831
Net surplus (deficit)	₩	5,992	<del>\$</del>	2,673	\$	3,703 \$	(100,062)	€	70,138 \$	17,086	(61,770)	\$ 62,416	· \$	<del>\$</del>	<del>\$</del>	•	176

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# Independent Auditor's Report on Supplementary Financial Information

To the Commissioners of the **First Nations Tax Commission** 

We have audited the financial statements of the First Nations Tax Commission, which comprises the statement of financial position as at March 31, 2015, and the statements of changes in net assets, operations and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information, and have issued our report thereon dated June 24, 2015. The following supplementary financial information is presented for the purposes of additional analysis and is not a required part of the financial statements. Such supplementary information is the responsibility of management and was derived from the underlying accounting and other records used to prepare the financial statements.

The supplementary information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such supplementary information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves.

"BDO Canada LLP"

**Chartered Professional Accountants** 

Kamloops, British Columbia June 24, 2015

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# **First Nations Tax Commission** Schedule 1 - Corporate Plan (Unaudited)

For the year ended March 31	Fi	nancial plan	2015	2014
Revenue Government of Canada Interest and other income	\$	5,930,948 3,000	\$ 5,933,948 31,479	\$ 5,909,666 33,461
	_	5,933,948	5,965,427	5,943,127
Expenses Commission services Communications Corporate services Dispute management Education Gazette Law review, by-law review and regulations Policy development	_	895,035 719,204 1,253,592 190,948 533,806 185,871 1,356,269 799,223	844,866 716,927 1,235,087 197,156 567,802 178,847 1,420,725 803,914	877,940 716,760 1,259,156 284,024 468,272 171,914 1,415,517 749,368
Excess of revenues over expenditures	 \$	5,933,948	\$ 5,965,324	5,942,951 176

# **First Nations Tax Commission Schedule 2 - FNPOA Legislative Development** (Unaudited)

For the year ended March 31	Fir	nancial plan	2015	2014
Revenue Government of Canada	\$	464,940	\$ 464,940	\$ 964,880
Expenses Policy Presentations Consultative/Communications Draft Development Regulation Development Communications Coordination and Strategic Planning Legislative Development Legislative Review Implementation Support		73,000 134,000 179,500 44,000 34,440	74,747 139,289 167,905 48,562 34,440 - -	348,802 273,510 90,397 121,190 103,972 27,009
		464,940	464,943	964,880
Excess of expenditures over revenues	\$	-	\$ (3)	\$ -

# **First Nations Tax Commission** Schedule 3 - Special Projects (Unaudited)

For the year ended March 31	Fin	ancial plan	2015	2014
Revenue Government of Canada	\$	237,600	\$ 237,600	\$ 
Expenses				
Registry - Client Management System Project First Nations Gazette and s.81 By-laws Publication		55,000	55,000	-
Project Energy Transportation Property Taxation Research		45,000	51,681	-
Project		65,000	59,262	_
Aboriginal Title Taxation Research Project		55,000	54,001	-
Coordination and Strategic Planning		17,600	17,600	
		237,600	237,544	
Excess of revenue over expenditures	\$	-	\$ 56	\$ 

# **First Nations Tax Commission** Schedule 4 - FMA Amendments - Communications Planning (Unaudited)

For the year ended March 31	r ended March 31 Financial plan			2015	2014	
Revenue Government of Canada	\$	112,320	\$	112,320	\$	
Expenses Communications Advisory Support Legislative Support Coordination and Strategic Planning		60,000 44,000 8,320		56,104 47,479 8,320		- - -
		112,320		111,903		
Excess of revenues over expenditures	\$	-	\$	417	\$	<u>-</u>

# **Contact Us**



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