



CLEARING THE PATH

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Our Lands, Our Jurisdiction, Our Institutions: First Nations Leading the Way - May 15 - 17, 2018



FIRST NATIONS FISCAL INSTITUTIONS & THE LANDS ADVISORY BOARD

2018 CONFERENCE DETAILS

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2018 NATIONAL MEETING

“Our Lands, Our Jurisdiction, Our Institutions.
And Our Vision For The Future.”

First Nations who have chosen to work beyond the Indian Act are coming together to set the stage for the next generation of First Nations led initiatives that will support our jurisdiction and expanded government powers for Indigenous communities.

This is an important meeting and all First Nations participating in the *Fiscal Management Act* (FMA) and the Framework Agreement (FA) and scheduled First Nations are urged to ensure that they send a delegate representing their community to be a part of the collective voice of these leading First Nations.

“Our Lands, Our Jurisdiction, Our Institutions: First Nations Leading the Way” will be a two-day meeting held on May 15-17, 2018 at the River Rock Hotel and Casino in Vancouver, British Columbia.

Currently 276 First Nations, from all regions in Canada, are participating in either the FMA or the FA. At this pivotal time in history, this meeting will showcase trailblazing First Nations at the forefront of expanding jurisdiction and will highlight their achievements in working beyond the Indian Act.

The forum will showcase First Nations at the forefront of expanding jurisdiction and will highlight their achievements in using First Nation-led agreements and legislation to improve their economies through greater fiscal

independence, improved financial management, debenture financing, and sound land governance.

It will also be an opportunity for First Nations to learn more about how the First Nation Institutions and the Lands Advisory Board can support and enhance innovations in First Nations fiscal relations with the Crown.

For more information on the national meeting, please visit www.FNLeadingtheWay.ca.



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Chief Commissioner's Message



The FNTC has been working with First Nations to continue the momentum we have been building on a number of issues to expand First Nation tax jurisdiction. On May 15, 16 & 17, we will be honoured to share the stage with First Nations who have an innovative and transformative vision for our collective future.

These First Nations are leading the way towards real substantive change towards sustainable self-determination. FMA First Nations have demonstrated that they can take charge of their own affairs, not just successfully but abundantly. The FMA model can be expanded to become an important part of a national strategy for closing gaps, improving productivity and achieving a nation-to-nation framework for reconciliation.

The FNTC has begun to develop legislative proposals to accommodate many tax options that First Nations have been requesting. As you may remember, the FMA was originally designed to represent a new jurisdiction based fiscal relationship. It formalizes the relationship between our independent revenues and our exclusive jurisdictions. This relationship is the true basis for self-determination. If other governments are serious about implementing the UNDRIP right to self-determination, then expanding our tax jurisdiction options and corresponding jurisdictions is a good way to accomplish this.

On February 28th, I made a presentation to the Senate Standing Committee on Aboriginal Peoples on Bill C-45, the Cannabis Act. I spoke about how once again our governments were not considered in the division of the tax revenues that will be generated from cannabis legalization. We provided the Senate with suggestions on wording to create a cannabis tax jurisdiction option for interested First Nations and we look forward to continuing our work to support this jurisdiction.

Of course, cannabis taxation is just one of several efforts we are supporting to expand our jurisdiction. We are also working with First Nations in Ontario to create a tobacco tax jurisdiction option for interested First Nations. Our people invented tobacco but our tax powers have been ignored and as the provincial and federal governments well know, this lack of First Nation tax powers is costing billions in lost revenues and higher health costs.

We continue to work with many First Nations interested in the Aboriginal Resource Tax to provide predictable revenues from resource projects in their territories. So far, we have seen interest in developing ART pilot projects for proposed pipelines, mining and softwood lumber. We are working with First Nations who are interested in seeing a better approach to the First Nation Goods and Services Tax and creating First Nation tax jurisdiction options for fuel, alcohol and carbon.

FNTC is also supporting the development of the proposed First Nation Infrastructure Institute (FNII). We need to assume control over our infrastructure to expand our economies and provide better housing, health and education to our citizens and we need secure tax powers to sustain business grade infrastructure. It is why we have begun to work closely with the other FMA institutions to support additional proposals to implement a jurisdiction based fiscal relationship with better transfers, transparency, statistics and improved access to capital for our communities and organizations. It is also why we have begun to work with the Lands Advisory Board in support of their proposed enhancements to the FA and to jointly develop a new land title registry system that implements our jurisdiction over lands and allows us to move at the speed of business.

I look forward to seeing you at the national meeting and discussing how we can expand our vision for self-determination and finish the journey we started together 30 years ago. Our strength is always in our numbers and our commitment to unity. As Tecumseh said, a single twig breaks but the bundle of twigs is strong.

Together, let us lead the way and write the next chapter of our collective history.

A handwritten signature in black ink that reads "Manny".

C.T. (Manny) Jules
Chief Commissioner



Proponent First Nations and the FNTC work to create a First Nation Cannabis Tax and Regulation option

The FNTC has been working with proponent First Nations to advance a First Nation cannabis tax option since March 2017. The FNTC made proposals about this option in April 2017 to the Minister of Justice and in August 2017 to the Department of Finance. First Nations have been seeking greater support for this option over the last several months.

On February 28, 2018 the Chief Commissioner made a presentation to the Senate Committee on Aboriginal Peoples who were reviewing Bill C-45 to suggest specific amendments to enable First Nation cannabis tax and regulatory jurisdiction.

“*The lack of First Nation inclusion in the cannabis tax framework is a missed opportunity for the federal government to demonstrate its commitment to a nation-to-nation relationship. First Nation cannabis tax jurisdiction is an opportunity to use First Nation tax jurisdiction to address the potential grey market manufacture and sale of cannabis, as has happened with tobacco.*

- C.T. (Manny) Jules
FNTC Chief Commissioner

The proposal was well received by the Senate Committee and has gained positive support from interested First Nations. The FNTC advanced suggested wording for amendments to create a First Nation cannabis tax option.

The FNTC and proponent First Nations are seeking to achieve several broad objectives with these amendment proposals, including:

Enable a First Nation cannabis tax framework that:

1. Generates revenues for interested First Nations to support health, education, infrastructure and regulatory requirements associated with cannabis manufacturing, distribution, sales and consumption on First Nations lands,
2. Provides a framework to support an improved jurisdiction-based fiscal relationship for interested First Nations, and
3. Recognizes and effectively implements First Nations government jurisdiction within the Canadian federation.

Enable a First Nation cannabis tax and regulatory framework that is harmonized with the proposed federal and provincial frameworks for interested First Nations, that:


1. Enables a harmonized FMA cannabis excise tax for interested First Nations,
2. Enables a harmonized cannabis FNGST for interested First Nations,
3. Enables cannabis regulations (including licensing and associated fees) for interested First Nations,
4. Enables agreements between interested First Nations and interested provinces with respect to harmonized PST and possible harmonized cannabis tax regulation and enforcement on First Nation lands, and
5. Provides options for First Nations to create regulatory frameworks on their lands for cannabis that are parallel those implemented by the provinces. In this regard, it is anticipated that First Nations may choose to tie into and apply certain aspects of provincial frameworks on their lands, for administrative efficiency.

There are four distinct elements to the proposed amendments to develop a First Nation cannabis tax option:

FMA Amendments – These proposed amendments would enable First Nation fiscal powers associated with cannabis excise, FNGST and licensing. They would also enable efficient revenue collection mechanisms and ensure that these additional revenues could be used to support long term infrastructure financing.

Excise Act, 2001 Amendments – These proposed amendments would provide an orderly transition to cannabis taxation for interested First Nation and ensure the efficient collection and payment of these revenues to participating First Nations.

FNGST Act Amendments – These proposed amendments would provide an option for interested First Nations to include FNGST revenues in the FMA to coordinate with other cannabis tax revenues and to ensure the efficient collection of these revenues.

Cannabis Act (Bill C-45) Amendments – These proposed amendments would ensure the First Nations cannabis tax and regulation options are enabled in this legislation. These proposed amendments would also ensure that First Nation cannabis tax and regulation option could be efficiently coordinated and potentially harmonized with other governments through agreements and regulations. 

Our Lands. Our Jurisdiction. Our Institutions:

National Meeting Agenda

May 15, 2018

WELCOME RECEPTION AND EARLY REGISTRATION

- 5:00 pm – 7:30 pm** | Registration
- 6:00 pm – 6:05 pm** | Elder Prayer, Musqueam Nation
- 6:05 pm – 6:15 pm** | Musqueam Drummers and Singers
- 6:15 pm – 6:20 pm** | Welcome to Musqueam Territory | Musqueam Nation Councillor
- 6:20 pm – 7:30 pm** | National Meeting Partners
- 7:30 pm** | Reception Ends

MAY 16, 2018

NATIONAL MEETING: DAY 1 FIRST NATIONS SUCCESS STORIES

- 7:30 am – 8:30 am** | Registration and Continental Breakfast
- 8:30 am – 8:35 am** | Elder Welcome, Musqueam Nation
- 8:35 am – 8:40 am** | Emcee Joe Bevan to Welcome Attendees and Provide National Meeting Overview
- 8:40 am – 9:45 am** | HOWARD GRANT, COUNCILLOR, MUSQUEAM NATION
- 9:45 am – 10:25 am** | CLEARING THE PATH: EXPANDING JURISDICTION & BUILDING VIBRANT ECONOMIES
- FNTC PANEL | Stone Bear, Facilitator
 - TZEACHTEN First Nation - Deanna Honeyman
 - PENTICTON Indian Band - Ernest Jack
 - CHIPPEWAS of Georgina Island - Kate McCue
- 10:25 am – 10:45 am** | BREAK
- 10:45 am – 11:25 am** | FINANCIAL MANAGEMENT CERTIFICATIONS – AN ESSENTIAL STEP
- FMB PANEL | Joe Bevan, Facilitator
 - FISHER RIVER First Nation - Chief David Crate
 - NIPISSING First Nation (TBC)
 - TSLEIL-WAUTUTH Nation - Chief Maureen Thomas

11:25 am – 12:00 pm | SONGHEES FIRST NATION

12:00 pm – 1:00 pm | LUNCH

1:00 pm – 1:40 pm | DEVELOPMENTS IN THE COMMUNITY – FROM START TO FINISH

- LAB PANEL | Meko Nicolas, Facilitator
- MUSKODAY First Nation (TBC)
- MEGNETAWAN First Nation (TBC)
- T'SOU-KE First Nation

1:40 pm – 2:20 pm | GLOBAL CAPITAL MARKETS WORKING FOR YOU

- FNFA PANEL | Frank Busch, Facilitator
- TAKU RIVER TLINGIT First Nation - Peter Kirby
- MEMBERTOU First Nation - Mike McIntyre
- PETER BALLANTYNE Cree Nation

2:20 pm – 3:00 pm | Whitecap Dakota First Nation

3:00 pm – 3:15 pm | BREAK

3:15 pm – 4:00 pm | EDUCATION AND CAPACITY DEVELOPMENT PANEL

- Dr. André Le Dressay, Tulo
- Deanna Honeyman, FNTAA
- Mike Mearns, AFOA
- Angie Derrickson, LABRC

4:00 pm – 4:30 pm | Summary of Day 1 & Preview of Day 2

BANQUET AND AWARDS

6:30 pm – 7:00 pm | Doors Open

7:00 pm – 7:05 pm | Emcee Welcome

7:05 pm – 7:30 pm | First Nations Performance

7:30 pm – 8:15 pm | Dinner

8:15 pm – 8:45 pm | Alex Wells, Hoop Dancer

8:45 pm – 9:30 pm | George Leach, Juno Award Winner

9:30pm | End of Banquet

First Nations Leading the Way - May 15 - 17, 2018

MAY 17, 2018

NATIONAL MEETING: DAY 2 LEADING THE WAY

7:30 am – 8:30 am | Registration and Continental Breakfast

8:30 am – 8:40 am | Emcee Joe Bevan Recap of Day 1 and Preview for Day 2

8:40 am – 9:45 am | FAFNLM LEGISLATIVE REFORM | Robert Louie, Chairman, LAB

9:45 am – 10:30 am | FMA PANEL

- C.T. (Manny) Jules, Chief Commissioner, FNTC
- Harold Calla, Executive Chair, FNFMB
- Ernie Daniels, President/CEO, FNFA

10:30 am – 10:45 am | BREAK

10:45 am – 12:00 pm | FMA PANEL continued

12:00 pm – 1:00 pm | LUNCH | International Perspective: Te Maire Tau, Ngai Tahu Research Centre

1:00 pm – 1:45 pm | FNII: THE INFRASTRUCTURE INSTITUTION PROPOSAL

- Allan Claxton | FNII Development Board
- Jason Calla | FNII Development Board

1:45 pm – 2:30 pm | THE WAY FORWARD: THE NEW FISCAL RELATIONSHIP

- Chief David Jimmie, Squiala First Nation
AFN Chiefs' Committee on Fiscal Relations Co-chair

2:30 pm – 2:45 pm | BREAK

2:45 pm – 4:00 pm | IMPORTANCE OF BUILDING OUR OWN INSTITUTIONS: Discussion Forum

4:00 pm – 4:30 pm | Summary of Discussion and Next Steps

4:30pm | End of National Meeting

**The National Meeting is hosted by the First Nations
Fiscal Institutions and the Lands Advisory Board**



**For more information, please visit:
www.FNLeadingTheWay.ca**



The FNTC is pleased to share some of the speakers from innovative First Nations that are leading the way forward to a vibrant future by expanding their jurisdictions and building sustainable economies.

Songhees Nation



Songhees Nation was the first in the country to pass FMA property tax laws in 2008. Christina holds a Bachelor of Arts in Canadian History and Anthropology from the University of Victoria. She was among the first 11 students to receive a certificate in First Nations tax administration from Thompson Rivers University and the Tulo Centre of Indigenous Economics.

Whitecap Dakota First Nation



Whitecap Dakota is a progressive First Nation with a proud culture, a strong sense of community and a passion for creating business relationships that support the community's economic vision. Dalyn Bear was elected as Councillor of the First Nation in 2016. Previously, he served the First Nation as the Director of Lands and Taxation.

Tzeachten First Nation



Tzeachten First Nation was the first in Canada to develop a property transfer tax law in 2013. Deanna Honeyman, a member of the Sechelt Indian Band has been working with Tzeachten First Nation since September 2008. Deanna first started as their Property Taxation Administrator then adding the duties of Lands Manager in 2011.

Building a better First Nations infrastructure system

The current First Nation infrastructure system is the least effective government infrastructure system in Canada. First Nation infrastructure costs the most to build, takes the longest to develop, and has the shortest operational lives.

Not only is it the least effective system, it is also fiscally unsustainable in its current form. Whenever a new infrastructure project is built, further resources are required for ongoing operation, maintenance, insurance and eventual replacement. In total, these costs are the contingent liability of new infrastructure.

Current federal resources for First Nation infrastructure are increasingly being devoted to operation and maintenance and not new projects. Current projections show that by the end of 2020/21, O&M requirements will be so significant, there will be no funds available for new proposal-based capital projects within the Capital Facilities and Maintenance Program (CFMP) budget.

The projected requirements for new infrastructure are large and growing especially as populations grow, health and safety standards rise, and rules for who is a status member change. In other words, this growing contingent liability associated with infrastructure will soon bankrupt the current First Nation infrastructure system.

Recently, the federal government announced it will be working with First Nations to begin the process of moving beyond the Indian Act and dismantling DISC. With respect to infrastructure, this presents a challenge and an opportunity.

The challenge is assuming a large and potentially unsustainable infrastructure liability but the opportunity is to design a better First Nation infrastructure system that reduces liability, builds sustainable infrastructure.

A Better Infrastructure System

A better First Nation infrastructure system would have more jurisdiction, revenues and capacity at the local level to speed decisions, better manage projects and costs, improve operation and maintenance and generate sufficient revenues to replace infrastructure.

A better system would have tribal, regional and provincial First Nation institutions provide necessary professional support for all parts of the infrastructure cycle, to encourage cost efficiencies through aggregations and standards and to ensure community sustainability through integrated planning and better access to revenues and resources.

A better system would have a national institution to improve access to infrastructure financing capital, encourage and promote innovations, develop standards, support local and regional capacity development, increase revenues available for all parts of the infrastructure cycle and provide insurance options to manage risks.

This better First Nation infrastructure system would reduce time and costs of infrastructure development, increase durability, improve health and social outcomes and support the growth of First Nation economies and revenues to build sustainable communities and nations.

The work towards a better First Nation infrastructure system is well underway. Several First Nations have begun to use long-term financing through the Fiscal Management Act (FMA) to build more sustainable infrastructure. There are several tribal, regional and provincial organizations who have begun to collect information, develop capacity and support aggregation and other infrastructure efficiencies.

It is proposed that FNII be established as an optional FMA institution as part of this better system. As illustrated it would work with First Nation partners to deliver shorter review times, more efficient procurement, longer infrastructure lifecycles, more innovations, economically and fiscally sustainable infrastructure and improved access to capital.

Principles of FNII

FNII will build on the successful framework used by the FMA institutions to help interested First Nations build more sustainable infrastructure faster based on the following guiding principles:

FNII's design will continue to be directed and controlled by First Nations;

FNII will be optional and respect the right of self-determination;

FNII will work with and support existing First Nation infrastructure institutions and other possible partners to help First Nations build more sustainable infrastructure.

FNII will be a national institution;

FNII will be an FMA institution;

FNII will support First Nations to implement their infrastructure jurisdiction and support projects that increase economic and fiscal benefits; and

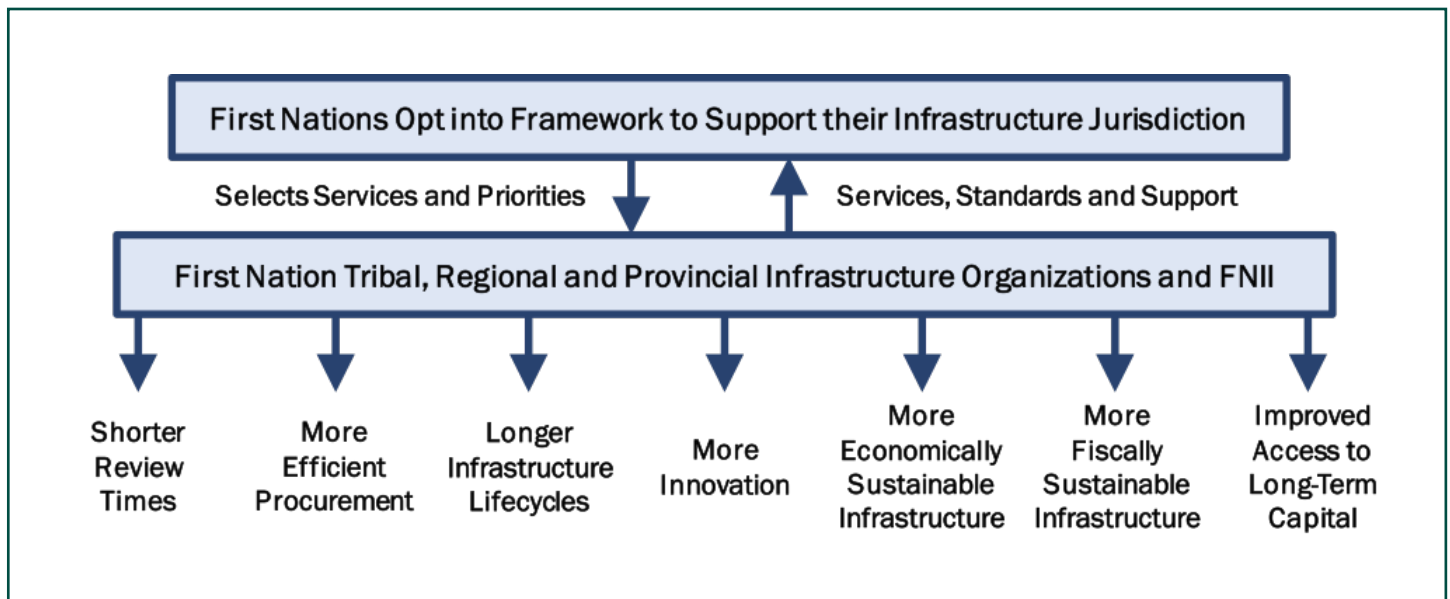
Preliminary Purposes of FNII

FNII's core mandate will be to help interested First Nations transition from unsustainable infrastructure systems to sustainable infrastructure systems.

Other FNII purposes will include assisting First Nations to build more economically and fiscally sustainable infrastructure; supporting First Nations to exercise their jurisdiction over infrastructure; and working to deliver secure, stable, long-term infrastructure transfers.

Beyond that, FNII will also help develop formulas and

with the First Nations Infrastructure Institution



processes for effective and efficient infrastructure funding; support long-term infrastructure financing; help transition ownership of infrastructure to First Nations; and support aggregations or nation groupings to achieve economies of scale.

Other aims it is hoped FNII will achieve include promoting an understanding of infrastructure's linkage with economic and fiscal sustainability; providing support for the implementation of standards and laws; assessing infrastructure project readiness and support infrastructure planning.

FNII will also develop training programs and build capacity and administrative efficiencies; support more integrated infrastructure planning; and will work with the FMA institutions to support improvements throughout the project lifecycle.

Further purposes of FNII include advocating for new revenue streams within an improved fiscal framework; assessing infrastructure risks and develop risk management strategies; and achieving administrative efficiencies.

How FNII Supports a Better Infrastructure System

FNII will support at least the following improvements in the First Nation infrastructure system:

Longer Term Federal Transfers – Work with FMA institutions and First Nations to develop a better system of federal contributions and ensure transfers can be monetized;

New Revenues for Financing – Enable new, more stable revenue sources to enhance infrastructure sustainability;

Improved Access to Capital – Help participating First Nations access longer-term, lower rate financing through the FNFA, to be combined with improved long-term transfers;

Standards, Laws and Templates (SLTs) to Reduce Costs and Time – Develop and efficiently implement standards, sample laws and templates required to support all elements of the infrastructure cycle;

More Efficient Review Processes – Support more cost and time effective review processes through professional certification and other innovations;


Support Innovations – Provide the opportunity to implement more innovations through regional partnerships and a national data base that enables better research;

Support Nation Building – Help lower costs through economies of scale and First Nation aggregation that achieve infrastructure system efficiencies;

Better Insurance Options – Develop affordable options for infrastructure insurance;

Incorporate Economic and Fiscal Potential – Incorporate economic and fiscal potential into planning to build more economic and sustainable infrastructure and;

Develop Efficiencies to Support Possible PPP Options – Provide a mechanism to combine smaller projects into a larger vehicle to achieve more favourable financing.

Work on FNII is ongoing as interested First Nations contribute their ideas to the evolution of the proposal. The First Nations Tax Commission looks forward to the discussion of FNII at the upcoming National Meeting. 

Building a better Indigenous Land Title Registry together

The Indian Land Registry System, when compared to the provincial registry system, is the least effective land registry system in Canada compared to provincial registry systems based on at least the following metrics (a) efficiency (b) reliability (c) security (d) cost and (e) processing times for most common transactions.

Its problems contribute to uncertain, inconsistent survey fabric, less economic development through increased transaction costs, low third-party confidence, less economic development, more legal and other disputes, greater administrative costs, less sustainable infrastructure, longer processing times regarding additions-to-reserves, and protracted wills and estate settlement on First Nation lands.

In 2010, the First Nations Tax Commission (FNTC) proposed an Indigenous land titles registry to serve the participating communities to the Indigenous Land Title initiative (ILTI). Significant progress has been made, including drafting regulations and by-laws, endorsing a business plan and partnering with an existing registry on software.

For many years, the Lands Advisory Board (LAB) has expressed an interest in improving the First Nation Land Registry system (FNLRS) for the operational signatories of the Framework Agreement on First Nation Land Management (Framework Agreement/FA) as well as the possibility of an Indigenous operated registry.

In 2017, the FNTC and LAB, with the support of the Land Title and Survey Authority of British Columbia, entered

into discussions on the design of an Indigenous controlled land registry to serve the full range of Indigenous land tenure - Indian Act, Framework Agreement, self-governing communities, Aboriginal title (given the Tsilhqot'in decision), and Inuit and Metis lands.

One registry serving all these different tenures may be possible since the framework of land title registration is similar, but the nature of the registered interests is recorded differently for each type of tenure. Each tenure requires standards and regulations to support the registration of title interests. We are exploring cost and time saving advantages by having a single lands registry in place. Such a system could help First Nations transition from one tenure system into another much more easily.

Such a proposed indigenous land titles registry is an opportunity to address two key government priorities – reconciliation and infrastructure. The FNTC sees an Indigenous land titles registry (ILTR) as a pragmatic project consistent with the Honour of the Crown and with Canada's commitment to build land governance capacity and the necessary supporting infrastructure within Indigenous communities. The LAB has concerns about the feasibility of a land titles system but supports an improved registry subject to First Nation control.

The LAB and FNTC and proponent First Nations hope to work with the federal government to develop the necessary legal framework to support a new First Nation land registry system. 🌱

2018 Annual Laws Bulletin

The Annual Laws Bulletin is issued by the FNTC to assist First Nations and their tax administrators in the development and submission of annual laws made under the First Nations Fiscal Management Act (FMA).

The FNTC encourages First Nations to consult as early as possible with an FNTC advisor for an update on the changes for 2018, and to obtain technical comments on draft annual laws.

These comments can help ensure the laws are consistent with FMA requirements and can help prevent errors in the laws before they are submitted for Council approval.

Important Changes for 2018

- National rate of inflation for the 2018 Taxation Year is 1.9%
- Contingency amount calculation now excludes certain types of revenue
- Separate budget reporting for certain types of local revenue laws
- New reserve fund requirements for certain types of revenue.
- Standards Respecting Notices Relating to Local Revenue Laws, 2018 (To be introduced in late June 2018)

The bulletin is available at www.fntc.ca. 🌱



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