

POLITICAL OFFICE:
Fort William First Nation
R.R. #4
Suite 101, 90 Anemki Drive
Fort William First Nation Office Complex
Thunder Bay, Ontario P7J 1A5
(807) 626-9339
(807) 626-9404 Fax



ADMINISTRATION OFFICE:
111 Peter Street, Suite 804
Toronto, Ontario
M5V 2H1
Tel (416) 597-1266
Fax (416) 597-8365
1-877-517-6527
Website: www.chiefs-of-ontario.org

CHIEFS OF ONTARIO

35th All Ontario Chiefs Conference
July 7-8-9, 2009
Batchewana First Nation

ONTARIO TAX HARMONIZATION

RESOLUTION 09/13

Page 1 of 3

WHEREAS:

1. In its 2009 Budget, the government of Ontario has proposed to harmonize its personal sales tax (PST) with the federal goods and services tax (GST);
2. Ontario entered into a Memorandum of Agreement (MOA) with the federal government in March 2009, committing to finalize all the legislative and policy changes by March 31, 2010 and impose the new harmonized sales tax (HST) by July 1, 2010;
3. The Chiefs of Ontario office has undertaken a review of the MOA, and has concluded that:
 - It does not address the First Nations tax exemption at point of sale, nor even maintain the present Ontario PST tax immunity at point of sale;
 - It provides for the imposition of PST harmonization according to the GST system and tax base;
 - If unchanged, First Nations will pay substantially more taxes on goods and services under the HST, which will further undermine the socio-economic situation of First Nations;

MOVED BY:

Chief R. Donald Maracle
Mohawks of the Bay of Quinte

SECONDED BY:

Chief Bryan LaForme
Mississaugas of the New Credit First Nation

CONSENSUS

Certified Copy of a Resolution adopted on July 8, 2009.

Angus Toulouse,
Ontario Regional Chief

- The MOA does not provide accommodations of the rights and interests of Ontario First Nations;
 - The Ontario Crown and Federal Crown has a duty to consult First Nations on the proposed HST, and Ontario First Nations were not consulted by either Ontario or Canada before they enter into the MOA;
 - Since the MOA does not have flexibility to accommodate First Nation interests, a separate federal/provincial/Ontario First Nation agreement will be required;
4. In a meeting with the PC on June 1, 2009, Ministers Duncan and Duguid have acknowledged the right to tax exemption at point of sale of Ontario First Nations and committed to establishing a Working Group with representation from Ontario, Canada and Ontario First Nations to develop options to ensure the First Nation right to tax exemption at point of sale is protected within the new HST;

THEREFORE BE IT RESOLVED THAT:

1. The Ontario Chiefs in Assembly hereby reaffirm that First Nations are exempt at point of sale from federal and provincial taxation, including the proposed HST, based on our inherent rights and treaties;
2. The Ontario Chiefs in Assembly authorize the Political Confederacy to act urgently to engage in a Working Group with Canada and Ontario to ensure the First Nation right to tax exemption at point of sale is preserved, but if this dialogue fails, the Chiefs direct the Political Confederacy to undertake the following strategies:
 - a. Communications Plan: To ensure our First Nations communities are informed about the proposed HST tax and its impacts;

- b. **Political Strategy:** To mobilize First Nations and our allies to ensure that our rights and interests are protected from the impacts of the proposed HST;
 - c. **Legal Strategy:** To advance our treaty and inherent rights to tax exemption at point of sale, and to ensure that our right to consultation and accommodation are respected and protected;
3. The Ontario Chiefs in Assembly authorize and direct the Regional Chief and the Political Confederacy to report back to the Chiefs in Assembly at the earliest opportunity on the steps taken to implement the actions of this Resolution.