

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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March 18, 2011

Honourable Kevin Falcon
Minister of Finance and Deputy Premier, BC
PO Box 9048, SNT PROV GOV
Victoria, BC, V8W 9E2
By facsimile: (250) 387-5594

RE: UBCIC HST Committee Documents Delivered October 4, 2010

Dear Minister Falcon,

We are writing in regards to former-Finance Minister Hansen's response on January 6, 2011, to our letter dated October 4th, 2010, which accompanied a budget and workplan to carry out high-level, technical research on the impacts of HST on First Nations in BC.

The Union of BC Indian Chiefs (UBCIC) was provided a mandate for our work on the Harmonized Sales Tax (HST) through resolutions 2009-41 and 2010-21, and additionally, created a UBCIC HST Committee by resolution 2009-51. Resolutions supporting the campaign against the imposition of the HST and calling for respect of First Nations' rights regarding taxation have been passed by the First Nations Summit (#0610.09) and the BC Assembly of First Nations (18/2010).

Members of the UBCIC Executive, First Nations Summit and the UBCIC HST Committee met with Honourable Hansen on June 24, 2010, where he agreed to review a proposal for further in-depth dialogue about the implementation of HST, including a budget and expected outcomes. A budget and workplan were tabled in-person by the UBCIC Executive and UBCIC HST Committee to Honourable Hansen at a meeting on October 4, 2010, and include the following anticipated outcomes:

- Analysis of economic impacts of HST on First Nations in BC and determined process for addressing;
- Understanding of legal grounding for taxation rights of First Nations in BC;
- Effective communication to First Nations in BC on how HST impacts them;
- Action items under UBCIC Resolutions 2009-41 and 2010-21.

Given the time-sensitive nature of the required work, and hearing no response, we sent a follow-up letter to Honourable Hansen on November 10, 2010. In this letter, we emphasized that a quick response was needed due to public perception around the HST, and the need to properly understand and communicate how the HST will impact First Nations in BC. We received a response from Honourable Hansen on January 6, 2011, in which he noted:

“In your letter you reiterate your concerns about the harmonized sales tax (HST), including that First Nations in British Columbia were not consulted about the HST, and that the HST will further increase the poverty of First Nations. You also request funding to study the impact of the HST on First Nations in British Columbia. We are reviewing your request and considering potential options.”

Unfortunately, we still have not heard a response to our request. Given the urgency of this work, and particularly in consideration of Premier Christy Clark’s recent suggestion to move the HST referendum up to June 24 from September 24, we are extremely concerned with the complete lack of sufficient economic and legal analysis of how the HST is impacting First Nations in BC.

With respect, we urge you to immediately review the enclosed budget and workplan- we are confident that you will agree this important work must be carried out as soon as possible, so that appropriate communications can begin regarding how the HST impacts First Nations in BC. We trust that this matter is of the utmost importance to you and your government as well.

We look forward to your timely response.

On behalf of the UNION OF BC INDIAN CHIEFS,



Grand Chief Stewart Phillip
President



Chief Robert Chamberlin
Vice-President



Chief Marilyn Baptiste
Secretary-Treasurer

CC: Hon. Christy Clark, Premier BC
First Nations Summit Task Group
BC Assembly of First Nations Regional Chief Wilson-Raybould
UBCIC HST Committee
UBCIC Chiefs Council

HST Committee Budget Proposal- October 1, 2010

UBCIC HST Committee Budget

Purpose:

To secure funding from the Provincial Ministry of Finance for the operations of the UBCIC HST Committee, who have been mandated by the UBCIC Chiefs Council to determine how the implementation of the HST impacts First Nations in BC, to advocate on behalf of First Nations for appropriate consultation and accommodation, and to secure funding for operations. Funding anticipated from October 2010 to end of fiscal (March 31, 2011).

Operational:

- HST Committee is mandated by UBCIC Resolution 2009-41, 2009-51, and 2010-21
- Structure: Terms of Reference, ratified by Chiefs-in-Assembly in September 2010
- Three (3) members appointed by UBCIC Chiefs Council, one (1) member of the UBCIC Executive
- Policy support provided by UBCIC

Anticipated Outcomes:

- Analysis of economic impacts of HST on First Nations in BC and determined process for addressing
- Understanding of legal grounding for taxation rights of First Nations in BC
- Effective communication to First Nations in BC on how HST impacts them
- Action items under Resolutions 2009-41 and 2010-21

Deliverables:

- Comprehensive and professional report on economic impacts of HST on First Nations in BC
- Legal Brief on taxation rights of First Nations in BC, and impacts of HST
- Workplan
- Communications plan
- HST Committee meetings- approximately 10 internal and external (with Finance Minister)

HST Committee Budget: August 2010-March 31, 2011

Activity	Cost	UBCIC contribution	Request from MoF
Meeting Costs (10 days)	\$8,849	N/A	\$8,849
Economic Analysis	\$25,000	N/A	\$25,000
Legal Brief	\$20,000	N/A	\$20,000
Communications to First Nations in BC	In kind	In kind	N/A
Sub-total	\$53,849	In kind	\$53,849
Administration (5%)	\$2,692.45	N/A	\$2,692.45
GRAND TOTAL	\$56,541.45	N/A	\$56,541.45

UBCIC HST COMMITTEE WORKPLAN V.2, October 2010- April 2011

1.0 Establish UBCIC HST Committee Operations

Tasks	Tools	Responsibilities	Outcomes	Deadline & Status
1.1 Terms of Reference for UBCIC HST Committee	- Draft a Terms of Reference for review by HST Committee -Prepare UBCIC AGA resolution to ratify Terms of Reference	- UBCIC HST Committee -UBCIC policy	UBCIC HST Committee Terms of Reference	-Draft ToR complete -Resolution and final ToR September 17, 2010
1.2 Obtain funding for UBCIC HST Committee	-Budget and Workplan for Minister Hansen	-UBCIC HST Committee -UBCIC policy	Funding for operations, legal brief, and economic report	-Meet with Minister Hansen Oct. 4, 2010
1.3 Determine meeting schedule (internal and external)	- Contingent on funding	-UBCIC HST Committee, UBCIC Executive -UBCIC policy	Meeting schedule	-Determine following Oct. 4, 2010

2.0 Conduct Legal-Economic Research on how HST impacts First Nations in BC

2.1 Determine economic impact of HST on First Nations in BC

Tasks	Tools	Responsibilities	Outcomes	Deadline & Status
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2.1.1 Obtain funding to carry out economic analysis	- Meeting with Finance Minister Hansen	- UBCIC HST Committee and Executive -UBCIC policy	- Funding to proceed with economic analysis	- October 4, 2010
2.1.2 Economic consultant to conduct a detailed analysis of impacts of HST on First Nations in BC	- Economic consultant service	- UBCIC HST Committee	- Professional report on economic impacts of HST on First Nations in BC	-Received quote for analysis; performance dependent on funding
2.2 Determine the legal grounding for taxation rights of First Nations in BC re. HST and in follow-up to UBCIC Resolution 2010-21				
Tasks	Tools	Responsibilities	Outcomes	Deadline & Status
2.2.1 Obtain funding for a legal brief	- Meeting with Finance Minister Hansen - Include funding for legal brief in HST Committee budget	- UBCIC HST Committee and Executive - UBCIC policy	- Funding to proceed with legal brief	- Oct. 4, 2010
2.2.2 Lawyer to provide legal brief	- Mandell Pinder has agreed to do this work.	-UBCIC admin	-Legal brief	-contingent on funding
3.0 Determine strategy and goals of UBCIC HST Committee				
Tasks	Tools	Responsibilities	Outcomes	Deadline & Status
3.1. Using economic report and legal brief, and grounded in resolutions, craft an action plan to encompass strategy and goals of UBCIC HST Committee, and ratify at UBCIC AGA.	- Economic report (contingent on funding) -Legal brief (contingent on funding) -UBCIC Resolutions	-UBCIC HST Committee -UBCIC policy	-UBCIC HST Committee Action Plan to next year.	-November 1, 2010

3.2 Adjust workplan to reflect Action Plan	-UBCIC HST Committee Action Plan and Work Plan V.1	- UBCIC policy	-Updated Workplan	November 1, 2010
3.3 Implement Action Plan	-Action Plan	-UBCIC HST Committee, Executive	-Achieve goals in Action Plan	-November 1, 2010 to March 31, 2011
4. 0 Communicate how HST affects/will affect First Nations in BC				
Tasks	Tools	Responsibilities	Outcomes	Deadline & Status
4.1 Determine communications plan	-Action Plan -Meeting with HST Committee	-UBCIC HST Committee and Executive -UBCIC admin and policy	-Communications plan	Following funding and work, November 15, 2010
4.1. Communicate how HST affects/will affect First Nations in BC	-Communications plan - Economic report - Legal brief - Resolutions -General policy research on HST -UBCIC website	-UBCIC HST Committee and Executive -UBCIC admin and policy	-Information for First Nations in BC on impact of HST	-Ongoing
4.2 Communicate UBCIC HST Committee work and priorities from Action Plan	-UBCIC HST Committee work to date -Communications Plan -Action Plan	- UBCIC HST Committee - UBCIC admin and policy	-Information for First Nations in BC on Actions undertaken by UBCIC HST Committee	-Ongoing -Action Plan November 1, 2010 to March 31, 2011