



The First Nations of Maa-nulth Treaty Society

Huu-ay-aht First Nations | Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations
Toquaht Nation | Uchucklesaht Tribe | Ucluelet First Nation

“This Treaty is about Finishing what our Ancestors Began”

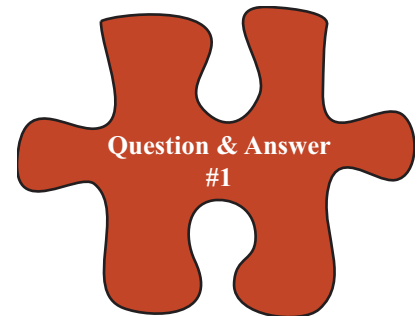
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Maa-nulth Information Sessions Questions and Answers (Port Alberni, Nanaimo, Vancouver - April 17 to 19 2007)

Questions addressed in this bulletin include the areas of:

- » Indian Status/Indian Act/Current Benefits
- » Benefits to members who reside away from home
- » Governance and Constitutions
- » Eligibility and Enrolment
- » Taxation



During the Maa-nulth information sessions held from April 17 to 19 there were many good questions asked of presenters and negotiators. In order to share some of that information further, we have provided brief responses to some of those questions here for the benefit of those who were not able to attend the information sessions. We will continue to share information on other matters through future on-going communication materials.

We urge readers to seek further details on any matters of particular interest to you from your First Nations negotiating teams or through the Maa-nulth contact sites ... we want all of our members to be able to make an informed decision about the treaty.

INDIAN STATUS / INDIAN ACT / CURRENT BENEFITS

Indian Status Cards

Question #1: Will status cards still be in effect for Maa-nulth-aht after Treaty?

Answer #1: Yes. The Treaty provides for continuation of Indian status (see section 1.6.1 of the Final Agreement). Those Maa-nulth-aht who currently qualify for status under the Indian Act will still be eligible to have a status card after the Effective Date of the treaty. We will continue to qualify for programs and services available for other aboriginal people in Canada (see example below).

Health and Dental Benefits

Question #2: What happens to our current health and dental benefits?

Answer #2: Non-insured health benefits (medical, dental, eyeglasses, prescription medication, etc) will continue under current Health Canada policies for all those Maa-nulth-aht who qualify for status under the Indian Act. After treaty, these services can be accessed in the same way and from the same locations as they are accessed now. One of the reasons we will retain status cards is that they will be required to continue to access these and other benefits for which we will still qualify.

Pension and Old Age Security Benefits

Question #3: Is my pension affected by the treaty?

Answer #3: No, any Canada Pension Plan or Old Age Security benefits you qualify for will remain the same after treaty.

BENEFITS TO MEMBERS WHO RESIDE AWAY FROM HOME

General Benefits

Question #4: How will this treaty benefit members who reside away from home?

Answer #4: Each First Nation and their government will have the ability to design services for citizens who reside away from home off of Treaty Land. First Nation governments, with input from their citizens, can develop and implement whatever programs and services they think would best meet the needs of all of its citizens, not just citizens who reside on Treaty Lands. As First Nations are able to generate more wealth, they will have increasing ability to provide enhanced services to citizens who reside away from home in areas such as health care, social services, housing, for example.

Note: a further discussion documents on treaty benefits will be provided

GOVERNANCE AND CONSTITUTIONS

First Nations Constitutions *(also see Bulletin No. 5 on First Nations Constitutions)*

Question #5: When do our First Nations Constitutions come into effect?

Answer #5: First Nations constitutions must be approved by membership of each First Nation prior to voting on the Final Agreement. Constitutions will come into effect on the Effective Date of the treaty.

Elections after Effective Date of Treaty

Question #6: First Nations constitutions set out how government structures will look after the Effective Date of the Treaty. When do First Nations have to vote on their government (Chief/Councillors) after the ratification vote?

Answer #6: The first elections after the Effective Date of the Treaty must be initiated no later than six months after the Effective Date and officers elected will take office no later than one year after the Effective Date (see 13.7.1 and 13.7.2 in the Final Agreement)

ELIGIBILITY AND ENROLMENT

Benefits to members/citizens who do not qualify for “status”

Question #7: If a First Nation allows a person to become a member that does not meet the Indian Act requirements for status (through its own membership code before treaty, or through its citizenship act after treaty), does that person get all the same benefits as the members that were originally on the INAC Band List?

Answer #7: This is a very complex area and we recommend that those who have questions about citizenship and treaty benefits also follow up directly with negotiators and/or technical team members. Very generally:

Before treaty – only persons qualified for status under the Indian Act are entitled to hold an Indian Status card. It is up to each First Nation to determine what benefits flow to those members or citizens who do not have Indian Status.

After treaty – The Eligibility and Enrolment Chapter of the Final Agreement (Chapter 26) defines who is entitled to benefits under the treaty (“Maa-nulth-aht”^{*}). After treaty, First Nations determine their own citizenship through their own First Nation Constitution and citizenship act. It is possible after treaty that a person could be a citizen of a First Nation, but not necessarily be “Maa-nulth-aht” (entitled to treaty benefits). Again, First Nations determine what rights and benefits flow to citizens who may or may not be enrolled under the treaty.

Note: all “Maa-nulth-aht” are automatically citizens of their own Nations.
See also Bulletin #4 (March 16th, 2007) – Eligibility and Enrolment FAQ

Effect of “no vote” on enrolees

Question #8: If a First Nation enrolls people in the treaty who are not on the INAC Band List and the treaty does not get ratified, what happens to the members who are not on the INAC Band List?

Answer #8: If the Final Agreement is not ratified, enrolment (of anyone) has no effect, as there will be no treaty in which to be enrolled. Enrolees who are currently on the INAC Band List would remain on that list. For those individuals who were enrolled based on eligibility criteria in the Final Agreement, their membership/citizenship and/or status with that First Nation remains the same as it was prior to enrolment.

TAXATION

Flow of Income Tax revenues

Question #9: If a member lives off of Treaty Lands but works on Treaty Lands, does the income tax paid by the member still go back to their First Nation's government?

Answer #9: Where a person resides determines where income tax flows. The income tax of any person (Maa-nulth or non-Maa-nulth) who resides on Treaty Lands flows to the First Nation government no matter where they earn their income. 50% of provincial income tax portion and 95% of federal income tax portion flow to the applicable First Nation.

Income Tax after the exemption period off Treaty Lands (including other Reserve Lands)

Question #10: For Maa-nulth-aht who work on other Reserve Lands (of non-Maa-nulth First Nations), what happens with their income tax exemption after the twelve year phase out period? Do they pay income tax and where does it go?

Answer #10: They will pay income tax. The tax stays with the Canadian government so we as Canadians receive the benefits through federal services.

Sales tax portions to First Nations

Question #11: What percentage of transaction taxes are transferred back to each First Nation?

Answer #11: First Nations will receive 100% of the GST generated and 50% of the PST generated on Treaty Lands.

Source of taxes generated

Question #12: Does the flow of tax revenue sharing only apply to tax dollars generated on Treaty Lands?

Answer #12: Yes, it includes native and non-native tax generation on Treaty Lands.

Collection of taxes

Question #13: There is a phase-out period for the tax exemption after the Effective Date of the Treaty of eight years for sales taxes and twelve years for income taxes. The taxes are collected by BC and Canada but a large part of the taxes are returned on a yearly basis. Is there a fee from BC or Canada for the transfer of these taxes back to each Nation's government?

Answer #13: No, there is no fee for the transfer of the collected taxes back to each Nation. However, BC will retain 50% of PST and provincial income taxes to cover the costs of services provided by the Province, such as roads while Canada will retain 5% of federal income taxes for administrative costs.

Use of tax revenues by First Nations

Question #14: Will the tax dollars generated at the village sites be enough for the upkeep of those village sites?

Answer #14: The tax dollars collected will be in addition to the funds we currently receive for village maintenance. Those tax dollars will therefore allow additional maintenance and upkeep to be carried out depending on the priorities of the First Nation.

Taxation and joint ventures on Treaty Lands

Question #15: If an individual was to create a joint venture with the First Nation to carry on a business on Treaty Lands what happens regarding income tax on the profits?

Answer #15: Businesses wholly owned by First Nation Governments will be exempt from income taxes on profits earned on Treaty Lands. Individuals and corporations carrying out businesses on Treaty Lands will be subject to income taxes on their profits. Therefore, in a joint venture the individual would have to pay income taxes on their share of the income while the First Nation Government would be exempt from income tax on its share of the income.

Sales to members and non-members (including status Indians) after exemption period

Question #16: Does a First Nations government-run business on Treaty Lands charge sales tax to its members after the exemption period?

Answer #16: Yes, a First Nation government-run business has to charge tax to everyone after the tax exemption phase out. Since Treaty Lands will no longer be Indian Reserves (“lands reserved for the use and benefit of Indians under the Indian Act”), members of other First Nations who are status Indians will also be taxable on First Nation Treaty Lands.

Questions were based on PowerPoint presentation used at the information sessions
See full presentation at www.maanulth.ca

