



## CHIEFS OF ONTARIO

**ONTARIO SPECIAL CHIEFS ASSEMBLY**  
**May 27, 2010 Toronto, Ontario**

**RESOLUTION NO. 10/55**

**SUBJECT: MEMORANDUM OF AGREEMENT BETWEEN FIRST NATIONS IN ONTARIO AND ONTARIO GOVERNMENT**

**MOVER: CHIEF RANDALL KAHGEE, CHIPPEWAS OF SAUGEEEN**

**SECONDER: CHIEF JIM LEONARD, RAINY RIVER FIRST NATION**

**DECISION: CONSENSUS**

**WHEREAS:**

1. Canada and Ontario entered into a Comprehensive Integrated Tax Coordination Agreement (CITCA) to harmonize the 8% Ontario Retail Sales Tax with the 5% federal Goods and Services Tax effective July 1, 2010;
2. Both Canada and Ontario failed to consult and accommodate the First Nations in Ontario prior to the decision to harmonize the taxes in spite of the fact that this move will substantially and negatively impact First Nations aboriginal and treaty rights, and cause further economic hardship on the First Nation population. The First Nations of Ontario continue to assert their position that tax exemption is an aboriginal and treaty right guaranteed under section 35 of the *Constitution Act 1982*;
3. The Ontario government has publicly expressed its' support for the continuation of the First Nation point of sale tax exemption under the Harmonized Sales Tax (HST) framework on numerous occasions;
4. Ontario and First Nations are committed to the principle of reconciliation and to the continuation of the First Nation point of sale tax exemption under the HST, as the exemption is currently applied in practice in Ontario under the retail sales tax system;
5. The Memorandum of Agreement (MOA) entered into by the Ontario government and the First Nation Political Confederacy on May 3, 2010 commits the parties to work together to ensure that the First Nation point of sale exemption is in place by the time the HST comes into effect on July 1, 2010;

6. Further the MOA commits the Ontario government to work with First Nations to press the federal government to continue the First Nation point of sale tax exemption under the HST system;
7. In accordance with the MOA, the Ontario government has issued notice under the Comprehensive Integrated Tax Coordination Agreement to federal Finance Minister Flaherty, of Ontario's desire to continue the point of sale exemption effective July 1, 2010;
8. It is critical that the Ontario government and First Nations in Ontario present a joint position when meeting with federal officials in an effort to convince the federal government to include the First Nation point of sale exemption under the HST framework by July 1, 2010;
9. Minister Flaherty, in discussions with Chief Shining Turtle of Whitefish River First Nation, has committed to engage in discussions with a view to continue the point of sale exemption for the provincial portion of the HST.

**THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly**

1. Ratify the MOA signed in principle on May 3, 2010.
2. Direct the Political Confederacy to arrange and attend a political level meeting with federal and Ontario Ministers.
3. Mandate Ontario First Nation HST Technical Committee to pursue discussions at the officials' level with the Ontario government and the federal government to maintain the exemption at the point of sale on all purchases made by status Indians in Ontario and to report back to the June 2010 All Ontario Chiefs Conference on progress.

**FURTHER BE IT RESOLVED THAT:**

1. If it is not possible to implement the point of sale exemption by July 1<sup>st</sup>, and interim relief is required, any funds provided by the province shall be invested to fund the existing exemption at point of sale.

**FINALLY BE IT RESOLVED:**

1. The Ontario and Canada Ministers of Revenue immediately issue a tax bulletin to all retailers in Ontario directing that all status Indians will remain exempt from the provincial portion (8%) of the HST after July 1, 2010.

**Certified Copy of a Resolution dated May 27, 2010.**



**Angus Toulouse,  
Ontario Regional Chief**