



# ABORIGINAL LAW & TAXATION 2002

IMPACT OF CURRENT ISSUES & FUTURE TRENDS

FOR THE FIRST TIME, NITA'S TWO LARGEST PROFESSIONAL CONFERENCES ARE COMBINED INTO ONE GREAT EVENT. WITH TOPICS BOTH TIMELY AND RELEVANT, THIS IS AN OPPORTUNITY NOT TO BE MISSED.

NATIONAL CONFERENCE HELD NOVEMBER 6<sup>TH</sup> TO 8<sup>TH</sup>, 2002  
AT THE CROWNE PLAZA HOTEL GEORGIA, VANCOUVER, B.C.



ANOTHER FINE  
PRODUCTION  
OF THE NATIVE  
INVESTMENT  
AND TRADE  
ASSOCIATION

N.I.T.A.



# CONFERENCE AGENDA (PROVISIONAL)

## DAY I ABORIGINAL LAW FOCUS

8:30 **Opening Prayer**, TBA

8:45 **Welcome & Opening Remarks from Conference Co-Chair**  
BRIAN CALLIOU, Lawyer, Brian Calliou Corporation, Calgary, AB

9:00 **Opening Address**  
**Treaty Making in BC: Impasse or New Opportunity?**  
LYDIA HWITSEM, First Nations Summit Task Group

### SESSION I: FOCUS ON TREATIES IN CANADA

9:20 **Legal Implications of the Nisga'a Treaty**  
EDMOND WRIGHT, Secretary-Treasurer, Nisga'a Gov't

- *Nisga'a perspective on treaty making process*
- *Law-making powers & Self-governing issues*
- *Citizen Issues & Control of lands and resources*
- *Future Trends*

SPEAKER TBA

### SESSION II: IMPACT OF LAW ON ABORIGINAL BUSINESS

10:20 **Using Treaties & Legal Dev. to Create Business Opportunities**  
DAVID TUCCARO, Pres., National Aboriginal Business Assoc.

10:45 **Networking Break**

### SESSION III: EFFECT OF NEW LEGISLATIVE INITIATIVES

11:00 **Impact of the First Nations Fiscal and Management Act**  
DAVID PAUL, Board Member, First Nations Taxation Advisory Board

*Review of (a) First Nations Finance Authority; (b) First Nations Financial Management Board; (c) First Nations Statistical Institute, and; (d) First Nations Tax Commission*

11:35 **Overview & Effect of the First Nations Management Land Act**  
ROBERT LOUIE, Chair, Lands Advisory Board, Chief of the Westbank First Nation

- *What are the Framework Agreement on First Nations Land Management, and the First Nations Land Management Act?*
- *What direct authority does the new act give over reserve lands and resources?*
- *What do these pieces of legislation do and why are they important?*
- *How does this new initiative allow participating First Nations the opportunity to develop their own modern and/or traditional tools to manage and protect their reserve lands and resources?*

12:10 **KEYNOTE LUNCHEON SPEAKER**  
ROGER OBONSAWIN, Principal, O.I. Employee Leasing Inc.  
**Taking Control of our Economies: Aboriginal Taxation from an Economic Perspective**

### SESSION IV: THE EVOLUTION OF ABORIGINAL SELF-GOVERNMENT IN CANADA

1:15 **The Inherent Right of Aboriginal Governance: Legal Expression and its Practical Consequences**  
HUGH BRAKER, Q.C., Braker & Company

**Comparing Aboriginal Policies: The Colonial Legacy**  
ANDREW ARMITAGE, University of Victoria

2:25 **Networking Break**

2:40 **Evolution of First Nations' Governance Initiatives**  
WARREN JOHNSON, Assistant Deputy Minister, Lands & Trust, Indian and Northern Affairs Canada, Ottawa

### SESSION V: FIDUCIARY OBLIGATIONS

3:10 **JACK WOODWARD, CHRISTOPHER DEVLIN**, Barristers & Solicitors, Woodward & Company

- *The duty to consult gets teeth - the new rules of business from Taku River, Haida Nation and Mikisew Cree*
- *The litigation option when treaty-making fails - funding orders for Aboriginal title litigation in Jules and Williams*

**Conference Adjourns**

## DAY II ABORIGINAL LAW & TAXATION

8:30 **Opening Prayer**, TBA

8:45 **Welcome & Opening Remarks from Conference Co-Chair**  
BRIAN CALLIOU, Lawyer, Brian Calliou Corp., Calgary, AB

9:00 **Opening Address**  
**Using the Law as a Shield to Protect the Environment and Traditional Aboriginal Territories**  
TERRI-LYNN WILLIAMS-DAVIDSON, Founding Project Director of EAGLE (Environmental-Aboriginal Guardianship through Law and Education)

### SESSION VI: COMMERCIAL DEVELOPMENT AND THE DUTY TO CONSULT

9:30 **An Overview of the Case Law: Impact on Resource Development**  
JOHN OLYNYK, Barristers & Solicitors, Lawson Lundell, Calgary, AB

*What effect will the case by Haida Nation (claiming ownership of seabed in the Hecate Straits) have on plans for future off-shore drilling?*

**A Forest Industry Perspective on the Duty to Consult**  
ANNE GIARDINI, Assistant General Counsel, Weyerhaeuser Company Limited  
JOHN HUNTER, Q.C., Barrister & Solicitor, Davis & Co., Vancouver, BC

10:30 **Networking Break**



SESSION VII: IMPACT ON BUSINESS DEVELOPMENT OF RECENT COURT DECISIONS

10:45 **Implications of Recent Court Decisions on Claims of First Nations**  
SIMON MARGOLIS, Barrister & Solicitor, Bull Housser and Tupper, Vancouver, BC

- *R. v. Chief Ronnie Jules and Williams v. The Province of BC*
- *The Taku River Tlingit First Nation v. Ringstad et al*
- *Council of the Haida Nation v. The Minister of Forests et al.*

**Impact on Industry: Aboriginal Title & Consultation**

THOMAS ISAAAC, McCarthy Tetrault, Vancouver, BC

*Chippewas of Sarnia Band v. Canada and other key cases*

12:00 **KEYNOTE LUNCHEON SPEAKER**

DAVE TAPSELL, Barrister & Solicitor, Bell Gully, Wellington, New Zealand  
**Crown/Maori Treaty Settlements in New Zealand - A Ten year Report Card - Successes, Failures and Critical Issues**

*This paper, to be presented by David Tapsell, will assess the state of Crown/Maori Treaty settlements in New Zealand over the last ten years. Issues to be considered will include controversial Crown settlement policy, Maori expectations for settlement and discussions on comparing how some Maori are progressing better than post settlement, with possible suggestions why.*

SESSION VIII: FOCUS ON ABORIGINAL TAXATION

1:15 **Opening Remarks from Conference Co-Chair**  
LISA ETHANS, Partner, Aboriginal Client Services Group, Deloitte & Touche, Vancouver, BC

**Overview of Trends in Aboriginal Taxation**

1:45 **Developments in Tax Exemption as a Result of Treaties: Focus on Benoit v. Canada—Tax Immunity to Treaty 8 Peoples - The Aboriginal Perspective**

GORDON BENOIT, Tribal Member, Mikisew Cree First Nation

*Mr Benoit originally launched this important case. In March 2002 the Federal Court ruled that Treaty 8 included an oral promise that Indians covered by it would not have to pay any tax at any time. While the decision is being it appealed, it could mean that Treaty 8 Indians are exempt from taxation wherever they reside in Canada. Could this mean new economic opportunities for Treaty 8 members? What are the implications of the decision at the community level?*

**Aboriginal Tax Policy in Canada: Fair Taxes or Taxing Poverty?**

GAIL SPARROW, President, Native Personnel Services, Director, Native Investment and Trade Association

**Should Canadians be Concerned about the Benoit Decision?**

JOHN CAPAY, Alberta Director, Canadian Taxpayers Federation  
TANIS FISS, Director, Centre for Aboriginal Policy Change  
Canadian Taxpayers Federation, Victoria

3:00 **Networking Break**

SESSION IX: IMPACT OF RESERVE BASED TAXATION REGIMES

3:15 **History of the Fight to Gain the Right to Aboriginal Property Taxation/Impact Of the First Nations Fiscal & Management Act**  
DAVID PAUL, Board Member, First Nations Taxation Advisory Board

**Overview of the First Nations Power to Tax**

BILL MACLAGAN, Barrister & Solicitor, Blake Cassels & Graydon, LLP, Vancouver, BC

**Aboriginal Taxation of Non-Aboriginal Residents: Representation, Discrimination, and Accountability in the Context of First Nations Autonomy**

JONATHAN R. KESSELMAN, Professor, Department of Economics, University of British Columbia

4:30 **Conference Adjourns**

DAY III ABORIGINAL TAXATION FOCUS

8:30 **Opening Prayer, TBA**

8:45 **Welcome & Opening Remarks from Conference Co-Chair**

LISA ETHANS, Partner, Aboriginal Client Services Group, Deloitte & Touche, Vancouver, BC

9:00 **Opening Address**

**Indian Governments Taxing Indians: Experience of the Cowichan Tribes**

CHIEF HARVEY ALPHONSE, Cowichan Tribes, Vancouver Island

SESSION X: COMMODITY TAXES

9:30 **An Overview of GST & PST: Exemption Planning Opportunities**  
DAVID OWEN, Thorsteinssons, Vancouver, BC

10:30 **Networking Break**

SESSION XI: EMPLOYMENT & BUSINESS INCOME TAXATION

10:45 **Business Income: State of the Law and Planning Opportunities**  
TERRY GILL, Thorsteinssons, Vancouver, BC

11:15 **Employment Income: Income Sheltering Techniques**

LEAH MATTHEWS, Davis & Co., Vancouver, BC

- *Taxation of Off-Reserve Indians*
- *Focus on the Shilling case and other recent decisions*
- *Planning opportunities*

12:05 **KEYNOTE LUNCHEON SPEAKER**

MATTHEW COON COME (\*), National Chief, Assembly of First Nations

**The First Nations Governance Act: Will it lead to greater self-reliance, economic development and a better quality of life for First Nations?**

1:00 **CONFERENCE ENDS**

(\* ) = invited, not yet confirmed

# CONFERENCE REGISTRATION FORM & CONTRACT

## CONTACT INFORMATION

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
Province \_\_\_\_\_ Postal Code \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Email \_\_\_\_\_  
Website \_\_\_\_\_

### Names of members of Organization being registered:

Full name \_\_\_\_\_  
Full name \_\_\_\_\_  
Full name \_\_\_\_\_  
Full name \_\_\_\_\_  
Full name \_\_\_\_\_

We, the undersigned hereby make application for the items as indicated below at Aboriginal Law & Taxation 2002 National Conference and Trade Show and agree to be contractually bound to the terms of this registration form. The National Conference and Trade Show will be held at the Crowne Plaza Hotel Georgia, Vancouver, BC from **November 6-8, 2002**.

After **September 25, 2002**, all registrations received will be considered final with no refund available. Registrations may be transferred to another registrant, provided that NITA is notified in writing in advance of the trade show opening.

Signature, Name, and Title of Registrant or Approving Manager – Registration Forms Must be Signed to Secure Registration-Manager

## REGISTRATION FEES PAYABLE PER EVENT REGISTERED FOR:

### Conference Registration Fees

Single Person Registration Fee	\$795.00 + \$55.65 GST = <b>\$850.65</b>	_____
Single Person Early Bird (before Sept 15, 2002)	\$695.00 + \$48.65 GST = <b>\$743.65</b>	_____
Discount for Groups of 3 or more (until Oct 4, 2002)	\$695.00 + \$48.65 GST = <b>\$743.65</b>	_____
Elder or Student (Elder means over 65/Student must provide card)	\$195.00 + \$13.65 GST = <b>\$208.65</b>	_____

### Exhibitor Booth Registration Fees

Single Exhibit Booth	\$1500.00 + \$105.00 GST = <b>\$1605.00</b>	_____
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### Table Registration Fees

Single Table	\$350.00 + \$24.50 GST = <b>\$374.50</b>	_____
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TOTAL \_\_\_\_\_

(GST Registration No.: 126390319)

## FULL PAYMENT OF ALL FEES REQUIRED IN ADVANCE OF EVENT

VISA \_\_\_\_\_ MASTERCARD \_\_\_\_\_ CHEQUE(enclosed) \_\_\_\_\_ CHEQUE(to follow) \_\_\_\_\_

\*Please make cheques payable to **N.I.T.A. Inc**

Cardholder Name \_\_\_\_\_  
Card Number \_\_\_\_\_ Expiry Date \_\_\_\_\_  
Signature \_\_\_\_\_

GST EXEMPT UNDER THE INDIAN ACT or GOVERNMENT AGENCY? Please provide:

Individual/Band/Tribal Council/TC Empowered Agency/Government Agency \_\_\_\_\_

Reserve Name \_\_\_\_\_

Registration Number \_\_\_\_\_

## FIVE EASY WAYS TO REGISTER

1 **ONLINE** [www.native-invest-trade.com](http://www.native-invest-trade.com)

2 **MAIL** NITA Inc.  
7131 Marrington Road  
Richmond, BC  
V7C 1V4

3 **EMAIL** [mail@aboriginal-business.com](mailto:mail@aboriginal-business.com)

4 **PHONE** 604 275 6670 or 1 800 337 7743

5 **FAX** 604 275 0307

## EVENT DETAILS

### Conference Location

#### *Crowne Plaza Hotel Georgia*

801 West Georgia Street

Vancouver, BC V6C 1P7

T 604 682 5566

Toll free 1 800 663 1111

F 604 642 5556

## FURTHER INFORMATION

### Hotel Reservations

A room block has been set aside at a reduced rate. Please register as soon as you can under "N.I.T.A." to receive the discounted rate.

#### **Crowne Plaza Hotel Georgia**

801 West Georgia Street

Vancouver, B.C. V6C 1P7

T 604 682 5566

**Toll free** 1 800 663 1111

F 604 642 5556

### Travel

For special travel rates, please contact WestJet and quote convention number **2092**.

T 514 393 9494

**Toll free** 1 800 361 7585

### Interested in Sponsoring LAW & TAXATION 2002?

Profile your organization at the biggest Aboriginal professional event in Canada. Call Calvin Helin at NITA at:

T 604 275 6670 or

**Toll free** 1 800 337 7743

FOR THE LATEST CONFERENCE UPDATES, VISIT:

[WWW.NATIVE-INVEST-TRADE.COM](http://WWW.NATIVE-INVEST-TRADE.COM)

*NITA reserves the right to change the program date, meeting place or content without further notice and assumes no liability for these changes.*