



TOBACCO QUOTA ALLOCATION POLICY

Policy Type:	Financial & Economic	Initially Approved:	11/14/2015 BCM WFN 15/16-11-51
Policy Sponsor:	Finance Department	Last Revised:	04/12/2023
Primary Contact:	Finance Director	Review Scheduled:	04/2026
Approver:	Chief and Council BCM WFN...		

A. OVERVIEW

Wahnapitae First Nation is dedicated to promoting fair entrepreneurship opportunities for Band members and within our community. All businesses which benefit from this support will be subject to Band policy and governed in accordance with Band procedures.

B. PURPOSE

To establish the proper yearly Tobacco quota allocation, along with formal application requirements, financial regulation and reporting duties.

C. SCOPE

Applicable to all Band members, specifically those seeking to be considered for a yearly Tobacco Quota.

D. POLICY STATEMENT

The purpose of this policy is to establish and clarify the processes necessary for awarding the allocation of the Band's annual Tobacco quota. This Policy is subject to all Band laws and procedures and businesses receiving a Tobacco allocation are subject to the same.

1. TOBACCO VENDOR CRITERIA

- 1.1. Owner/Operator must be a registered Member of the Band.
- 1.2. Vendor has complied with the Band's Business Lot Allocation Policy and has been approved as an official Vendor by Chief and Council.
- 1.3. Member agrees to sell Tobacco in accordance with Band policies, laws and procedures.

2. TOBACCO ALLOCATION APPLICATION PROCESS

- 2.1. Vendor must submit a request for a Tobacco Allocation Quota to Chief and Council no later than January 15th annually. Businesses which do not meet this deadline may forfeit the consideration of their application.
- 2.2. Successful Vendors will be required to pay to the Band a fee of \$2.00 per carton of Tobacco allocated. This fee must be paid to the Band in its entirety before March 31st of the fiscal year in which they received the Quota.
- 2.3. Successful Vendors may be required to submit to the Band fiscal reporting documents detailing Tobacco sales.

3. DISTRIBUTION OF TOBACCO QUOTA

- 3.1. At such a time that Chief and Council have received all Tobacco Quota Applications, equal percentage shares will be allocated to all successful Vendors.
- 3.2. These yearly shares will be comprised of an equal percentage of the yearly quota, divided by the number of successful Vendors and the yearly quota amount allowed by the Ontario Ministry of Finance.

4. LOSS OF QUOTA

- 4.1. A successful Vendor may be subject to the loss of their Tobacco Allocation or ability to participate in future Application processes for the following reasons:
 - a) A Vendor discontinues the operation of their business.
 - b) A Vendor is found to have a criminal conviction for the unlawful sale of Tobacco products.
 - c) A Vendor is found to have a criminal conviction for the unlawful sale of Tobacco or restricted substances to a person under the age of 18.
 - d) A Vendor is found to be in arrears of the Band's Business Lot Allocation Policy.
 - e) A Vendor does not pay to the band - by deadline - the required \$2.00 per carton fee from the previous year's Quota to which they were party.

5. THE TRANSFER OF QUOTA

- 5.1. A Member possessing Tobacco Quota who sells their business during that same fiscal year may pass on their quota to the new business.
- 5.2. Upon the end of that fiscal year and Quota period, the new business must submit another application, with the updated information of the new business included and in accordance with the Business Lot Allocation Policy.

6. AMENDMENTS

- 6.1. The Policy may be amended at any time in accordance with Chief and Council authority, where there is a successful majority vote.
- 6.2. The Policy must be reviewed every three years from the time it comes into power.
- 6.3. Minor or administrative amendments to this policy that do not alter its intention or core criteria may be made with the approval of the Executive Director, without requiring formal review or approval by Chief and Council.

E. DEFINITIONS

- (1) **Applicant:** means any Band Member over the legal age of 18 years
- (2) **Band:** means Wahnapiatae First Nation
- (3) **Established Vendor:** means a retail establishment in operation for more than one year, which meets the Vendor Criteria.
- (4) **Member:** means an official Member of the Wahnapiatae Band in accordance with the Indian Act and Band customs.
- (5) **New Vendor:** means a Band Member who has submitted a new Tobacco Allocation application in accordance with the Business Lot Allocation Policy
- (6) **Policy:** means the Tobacco Quota Allocation Policy
- (7) **Tobacco:** means tobacco cigarettes
- (8) **Quota:** means the yearly lot of Tobacco for sale by the Band, determined in accordance with policies established by the Ministry of Finance; Motor Fuels & Tobacco Taxation Branch.
- (9) **Vendor:** means the person or persons in business who have been approved by Chief and Council, in accordance with the Business Lot Allocation Policy.

F. RELATED POLICIES

- Business Lot Allocation Policy 2012.

G. RELATED LEGISLATION

- *Indian Act Section 87, Tobacco Tax Act (O. Reg. 649/93).*

H. REVISION HISTORY

Date: (mm/dd/yyyy)	Motions
December 15, 2020	20/21-12-181
December 6, 2022	22/23-12-333

April 12, 2023	23/24-04-7