

COMMUNITY FEEDBACK

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<p>KTA Technician compiled all of the information and the majority of comments and amendments can and will be answered during the Community hearings.</p>		
<p>August 20, 2014 Intent should mention the KTA who it applies to and to who it does not apply to</p>	<p>#1 Intent could clarify that the KTA is mentioned.</p>	<p>Ref: Section 3.1</p>
<p>August 20, 2014 PURPOSE says nothing (add) ensure that the Industry is fair and equitable to all.</p>	<p>#2 Purpose could include the comments made by the community member.</p>	<p>Ref: Section 3.2 (a) and 6.2</p>
<p>August 20, 2014 Schedule B scope says nothing about the Law, can it be applied in our community.</p>	<p>#3 Law will protect the industry and the CDMP ensured that any Law that is passed through the CDMP will be enforced by the Kahnawà:ke Peacekeepers.</p>	<p>Ref: Section 4 in its' entirety and 11.7. Schedule B and C will be taken out</p>
<p>August 20, 2014 4.1 C, all persons (found) >operate within the Territory of Kahnawà:ke</p>	<p>#4 Will be clarified during the community hearings.</p>	<p>Ref: Section 4.1 (c)</p>
<p>August 20, 2014 Page 3 section 5, Business entity (Add provide goods and services).</p>	<p>#5 Will be clarified during the community hearings</p>	<p>Ref: Section 5.1 definition of business entity</p>
<p>August 20, 2014 Page 4 Definition of (Grow-op), not defined, will only one growing, why should one have a monopoly.</p>	<p>#6 Whoever has the land to grow, will be eligible to apply for a permit. There will be no monopoly.</p>	<p>Ref: Section 5.1 definition of grower. Also, sections 8.1 and 8.2</p>
<p>August 5, 2014 Definition of Kanien'keha:ka of Kahnawà:ke, needs to be clarified as it differs from the KKR.</p>	<p>#7 The purpose of the KTA was to ensure that all Kahnawa:ke:ro'non have the right to participate in Industry. TBD when Law is passed.</p>	<p>Ref: Section 5.1 definition of Kanien'keha:ka of Kahnawa:ke. Also, section 8.4</p>

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August 20, 2014 Page 5, the Kahnawà:ke Membership Law should be defined before 1981, and the current KKR has to conform with each other	#7b KTA has in its definition that all Kahnawake,ro:non means a person identified as a member of Kahnawà:ke	Ref: See definitions
August 21, 2014 Do not think Industry should be self-regulating	#8 Law has been drafted by the people within the Industry; there they are the experts in the field. All other organizations draft their own policies and Terms of References. The Law is now in the CDMP (THE PEOPLE).	Ref: Section 6 in its' entirety
August 21, 2014 Commission should be made of unbiased participants not from the Industry. Make up should include MCK member, Industry reps, and other professionals.	#8b Commission make up will be discussed during the Community hearings, and the make-up may change.	Ref: Section 6 in its entirety.
August 20, 2014 Page 7 (C) unbiased and equitable	#9 KTA will conduct itself in complete transparency.	Ref: Section 6.5 (c)
August 21, 2014 Section 6.47 Conflict of Interest, someone abstains, if there is a conflict of interest, but the majority of the commissioners are in the business, the conflict will remain for most and all decisions. How can they function?	#10 Within the Law, 3 Community members will be part of the commission. To be discussed during the community hearings.	Ref: Section 6.6 (a), 6.49, and 7(b) (x).
August 20, 2014 Pages 8, section 6.16 appointment of the Electoral Officer, add (open selection).	#11 Election procedures will be conducted in complete transparency.	Ref: Section 6.16 and 6.19
August 20, 2014 Pages 9, 6.19 within 7 days, add (results in one day). Not appropriate to select the Electoral Officer, add all community members are eligible to vote for whomever they want for the commission	#12 To be discussed during the community hearings.	Ref: Section 6.16 and 6.19
August 20, 2014 Page 10, 6.30, Vacancy, (alternate not clear).	#13 To be discussed during the community hearings	Ref: Section 6.23 and 6.30

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August 20, 2014 6.32 Interim Commission not clear, looks like it is set up for NO ELECTION TO TAKE PLACE.	#14 Interim Commission will be in place until such time as the provisions of the Law are in place.	Ref: Section 6.32 and 6.31
August 20, 2014 Page 11, 6.40 Clarify Quorum of (simple majority of its members).	#15 A quorum of 7 (seven) commission members.	Ref: Section 6.40
August 20, 2014 Page 16, 10.4 Commission Report (add) MONTHLY	#16 Will be transparent and reports will be monthly.	Ref: Section 6.43 and 10.4
August 20, 2014 Page 18, section XI, 11.5, Inspectors, (add) general duties, we should know what they are doing on the job.	#17 Will be transparent and reports will be monthly.	Ref: 7.1(b)(vii) also 11.1 and 11.5
August 5, 2014 Workers compensation, no mention of labor rights and benefits. No mention of Health Safety and Security and no MSI	#18 All of the comments will be TBD, when the Law is passed and the Regulations that will be drafted will cover the comments for Employee safety and protection and MSI benefits for all.	Ref: Section 7.1(b)(xii) and 7.1(b)(xiii)
August 20, 2014 (xiii) Clarify standards for health, safety, security and environmental protection, more details are needed. Within this Law, no mention is made (employees are protected from any standards).	#19 All standards that exist for health, safety, security and environmental will be followed. KTA mandate is to provide a safe and healthy environmental in the workplace for all employees.	Ref: Section 7.1(b)(xiii)
July 19, 2014 Proper accounting	#20 All proper accounting TBD through regulations.	Ref: Section 7.1(b)(xiv) and section 10 in its entirety
August 20, 2014 Page 15 8.11 no mention of APPEAL, appeal section has to be in Law not in the regulations.	#21 To be discussed during the community hearings.	Ref: Section 8.11 and section 11.8

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July 25, 2014 Will non biased Committee make funds for all community members and organizations	#22 The Community and Community organizations will all benefit from the Community Fund	Ref: Section 10.6 and 10.7
July 19, 2014 All Tobacco Stores contribute equally	#23 TBD, once Law is in place and Administrative Office set up.	Ref: Section 10.7, 10.8 and 10.9
August 20, 2014 Page 17, section 10.10 (c) to distribute to eligible recipients. Clarify who are these people, who can access the funds, people on the Kahnawà:ke Membership list.	#24 Eligible recipient means a Kanien'keha:ka of Kahnawà:ke or an organization that is recognized by the Commission.	Ref: Section 10.10© and 10.17
August 20, 2014 Page 18, section 10.16 fund to be disbursed to eligible recipients (add) we should know who can access the funds or not.	#25 Will be transparent and reports will be monthly	Ref: Section 10.16 and 10.17
August 20, 2014 No draft, watermark, appears to be a done deal.	#26 Law is to be formatted by legal services.	Will be corrected from now on
August 20, 2014 6.43 Clarify monthly meetings (deems appropriate), then they better damn hold the meetings.	#27 The Commission will call monthly meetings within the policies, they will be done.	
August 20, 2014 Page 13, (i), and (iv) combine the two. (xii) Clarify or define the employment standards.	#28 The employment standards will be the same as all the organizations within the Community of Kahnawà:ke.	

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<i>ORGANIZATIONAL STAKEHOLDERS' FEEDBACK</i>		
<p>Meeting held August 7, 2014. Feedback received October 16, 2014 Onkawta, karitahtshera</p> <p>Body responsible for global health and social services issues, The Kahnawà:ke Community Health Plan has identified cancer and cardiovascular disease amongst the top health priorities in the Community. Health unit knows that both of these serious health problems are linked to the use of or exposure to tobacco use. They would be hard pressed to support a Law that will further facilitate the manufacturer, sale, and use of tobacco, even without the support for the law; one will be enacted given the vast presence and positive economic impact this industry has on the community</p> <p>We should know what impacts this Law will have on the community with regards to health and social services.</p> <p>What will be the impacts to the Fire and Ambulance services in Kahnawà:ke?</p> <p>How will additional inspections be subsidized?</p> <p>How will structural building inspections in the industry for occupational health and safety hazards and fire safety be managed? How will health and safety infractions be managed?</p> <p>The Law should include regulations for identifying and enforcing certain zones for factories, wholesale storage and retail outlets in the community. There should be careful consideration given to protect the health and well-being of community members in residential areas when such commercial zones are determined.</p> <p>Particular attention should be paid to the health and safety of the employees in the tobacco industry; example employees should be afforded benefits such as MSI, health, dental insurance, safety programs, pension plans and labor laws should be ensured in the regulations.</p> <p>Social policy planning should be conducted for youth in the industry in the future</p>	<p>KTA accepts the position taken by Onkawta, karitahtshera, KTA, MCK, and others have worked over a 20 year period to develop a Law that would be fair and equitable to all Kahnawake, ro:non. KTA's position has always been to provide a clean and safe environment for all employees, and to address the issues of tobacco use among the young people and to provide an economic base within the community that can be used to develop all programs for health, safety and the environment. Policies will be drafted to address all issues and most exist amongst the services, organizations and departments within the Community of Kahnawà:ke. KTA's mandate is to make a living for all and all to benefit from this Industry and the most important issue that everyone can agree with is we all believe in respecting MOTHER EARTH and ensuring that all Kahnawake, ro:non have a safe and environmentally clean community. There will be Community Contribution Fund established.</p>	

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<p>(education, career, workforce development etc.) (Dividends) as a result of profit generation should be directed to improving health and social services, which may be directly impacted by the tobacco industry. Onkwata, karitahtshera does not support this Law. It is in complete contrast to our mandate given that research specifically states that the use of tobacco in any form is detrimental to health, other than that used for ceremonial use.</p>		
<p>Meeting was held on September 10, 2014</p> <p>Social Development Unit composed of Mohawk Self Insurance and Membership</p> <p>The MSI concerns were regarding the lack of benefits for all employees within the Tobacco Industry. MSI should be offered to all employees who work within and employees should all be protected with benefits for injuries relating to the job performed and to the issue of illness over a long term process.</p> <p>The Membership Departments concerns were regarding the definition of membership, and to ensure that our definition and Law conforms to the KKR which is the Membership Law of Kahnawà:ke</p>	<p>The KTA acknowledges and understands the issues and concerns. Main reason for creation of a Law is to protect the employees working within the industry. Regulations will be created to ensure that all of the issues will be covered, and MSI will become a priority and a bonus should you work in the industry. The mandate of the KTA has always and will continue to be, that all employees should be able to work in a clean and safe environment.</p> <p>The KTA has said and has declared that the definition of Kahnawake'ro:non means all persons in Kahnawà:ke. Which addresses the concerns.</p>	
<p>Meeting was held on September 22, 2014 with Community Protection Unit.</p> <p>The KTA met with the Fire Safety, and Work and Safety Inspectors. Main issue was, (What does the KTA expect from the Inspectors?). There will be cost to CPU and who is going to pay? Who is going to cover the costs? Will the KTA ensure that their employees are covered through MSI? Will insurance be mandatory for the Industry, i.e.: Manufacturers? Do the KTA have an Emergency Plan in place, for first responders, hazardous material, Peacekeepers? Does the KTA have a plan for evacuation in the industry? Will the KTA Inspectors be qualified or educated in all areas of health and safety within the work force?</p>	<p>The KTA acknowledged the concerns, issues and recommendations made by CPU during the stakeholder meeting. Regulations have already been developed into a separate document. Once the Law is officially passed the KTA will ensure that the Community Fund will be established to deal with the issues of concerns and cost sharing to training programs will be developed specifically for the Tobacco Industry. The Tobacco regulations has provisions to ensure all buildings in the industry are covered by insurance, MSI and will work with</p>	

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	<p>CPU to develop the areas that need to be addressed such as an Emergency Contingent Plan which will cover all first responders in the situation of an emergency, for evacuation plans, how to rescue anyone in any situation in the Tobacco Industry. The KTA will work with CPU to develop a training package for the Inspectors to ensure that they are qualified to deal with any situation. The Tobacco Law, has complied with the CDMP to get feedback from the CPU as a major stakeholder. The Mandate of the KTA has always been and will continue to be, to provide a safe and clean environment for all employees who are in the industry. Will follow basic building codes to ensure safe exits, fire extinguishers and sprinklers are part of the future buildings. KTA will ensure Public Safety and Occupational safety.</p>	
<p><i>Meeting held September 22, 2014. Feedback received October 9, 2014</i> Kahnawà:ke Combined Schools Committee</p> <p>KTA-MCK met on September 22, 2014, meeting was thoughtful and informative. However, as a governing committee, the KCSC does not hold a position on the tobacco legislation; this is not within our educational mandate. At end of meeting KCSC extends its best wishes to the KTA in its future endeavors. Concerns were raised regarding the lack of benefits mentioned in the Tobacco Law, ie: EI, MSI and long term pension packages offered to employees. Heard complaints about students dropping out of High School, CEGEP and University to work in the Tobacco Industry. Employee standards. Gaps for post-secondary students, lack of scholarships in place to assist students. How will the community funds be set up, will there be transparency? How will the funds generated affect the \$'s that the local Governments receive? How would the KTA formulate the criteria for setting up a scholarship fund?</p>	<p>The KTA has acknowledged the comments made by the Kahnawà:ke Combined Schools Committee, and discussions took place during the stakeholder meeting. All the questions were answered by the fact that the KTA already has the regulations in a separate document and will include most of the concerns, comments and recommendations that the stakeholders are making. The KTA fully accepts the statement of the KCSC.</p>	

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<p>Meeting held September 23, 2014 with the Board of Directors of Tawatoni'stahktha</p> <p>The CEO mentioned the Tobacco Industry has asked Tawatoni'stahktha 3 times over the past 15 years to invest in the industry or to take over, each time it was refused based on the fact, that the Tobacco Industry was unregulated and no Law in place to support it or defend it.</p> <p>On the operational level, the impact has been good and bad, the Tobacco industry generated 1000 and up people to work in the industry.</p> <p>The Kahnawà:ke Economy is very reliant on the industry.</p> <p>Outside Laws and the cut back on funds are affecting all programs and services offered to Community Members wishing to go to Training Programs or School.</p> <p>To work in the industry, no skills are required so therefore the young people would rather work in the Industry than to go to school. They want the fast way, make lots of money first.</p> <p>Community Funds, set standards for employee benefits, long term and short term illnesses.</p> <p>Set funding goals for employees to save for the future.</p>	<p>The KTA has acknowledged all concerns, comments and recommendations that were made by the Board of Directors of Tawatoni'stahktha.</p> <p>The KTA is aware of the past years of trying to work together. KTA's mandate has always been and will continue to be by getting this Law passed so that the Industry will be protected and defended. To provide a safe and clean environment with all the benefits to its employees within the Industry.</p> <p>KTA feels it must give back to the Community when Law is passed and the Community Fund is established and operating within 100% transparency.</p> <p>Tawatoni'stahktha has offered to the KTA to assist in developing programs and training programs to educate and employ more people with the Industry</p> <p>Tawatoni'stahktha applauds the Industry to moving ahead with the Law through the CDMP and also acknowledges the financial impact that the Tobacco Industry has had on the Community of Kahnawake over the past 25 years.</p> <p>Tawatoni'stahktha fully support the KTA, also within the Lands possibly being used for growing of Tobacco for the long term.</p> <p>Meeting was very productive and informative.</p>	
<p>Meeting held September 29, 2014. Kahnawà:ke Peacekeeper Department</p> <p>Chief Peacekeeper mentioned the concerns, comments and recommendations from his department.</p> <p>Lack of a Law that could stand up in a Court of Law.</p> <p>Lack of regulations.</p> <p>The need for a Law to be transparent, fair and equitable for all.</p>	<p>The KTA accepts the comments, questions and recommendations made by the Kahnawà:ke Peacekeepers during the stakeholder meeting.</p> <p>KTA inquired about the arrests of people in the Industry.</p> <p>PK's accept the fact that the Tobacco Industry is legal according to the MCK.</p> <p>KTA raised concern regarding the threats within the proposed Bill C-10, and how will this Law affect the Industry.</p>	

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<p>States that the Kahnawà:ke Tobacco Industry cannot regulate itself, has to be completely transparent enough, so the outside forces can see that this Industry knows what they are doing. Concerns were raised whether the Commission Members, should be paid and also the lack of terms of references. Chief Peacekeeper supports the process of the CDMP and the fact that the Tobacco Law is now in. Law is passed it will be enforced and will be the responsibility of the KTA to ensure that the Law is strengthened and recognized as a legal Law. The MCK has to be involved in getting the Law recognized internally and externally through future agreements.</p>	<p>Chief Peacekeeper informed us that the Tobacco Industry is legal with Kahnawà:ke, but if warrants come in regarding other offences such as drugs then that is another matter. Chief Peacekeeper assured KTA that protocols are in place, but without a Law in place to defend it, it is very difficult to work with. Also assured the KTA that once Law is passed through the CDMP, the Law will be enforced. Meeting was very productive and informative. KTA fully accepts concerns, comments and recommendations made by the Kahnawà:ke Peacekeeper Department.</p>	
<p>Meeting held October 21, 2014 Mohawk Trail Longhouse</p> <p>Law is needed to ensure the economy stays to employ people within the industry. There needs to be more diversification on creating more small business with the Community funds. Growing foods to sustain our community. Laws that are made by the outside governments are made to bring us down to our knees. Concerns about undesirables in the industry. Use existing land to grow Tobacco. Concerns regarding illegal activity. Concerns about the environment. Main point is Tobacco; let's support it and work together to develop a strategic plan for the future. The Law is long overdue and must be prioritized now. Create joint ventures. Traditional people must step up to the plate and take responsibility to ensure the Tobacco industry continues to move forward with a Law in Place. Everyone to put aside their differences and bury the hatchet once and for all.</p>	<p>The KTA fully accepts the concerns, comments and recommendations made during the stakeholder meeting with the Mohawk Trail Longhouse. KTA assured them that some and most of the discussion would be covered in the regulations which are a separate document. KTA assures them that the purpose of the Law is also to prevent undesirables to work in the Industry. In order to get a permit, one has to make disclosure of all issues of partnership. Etc. KTA also concerned about the environment and will ensure regulations are followed once Law is in place. KTA willing to work with any traditional group and has always been open. KTA accepts all the issues mentioned in the meeting. KTA feels meeting was very productive and informative.</p>	

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<p>Meeting November 10, 2014 Kahnawà:ke Fire Brigade and its Board of Directors.</p> <p>Lack of Law. Lack of regulations. When Law is passed will they follow Fire and Safety Codes, and Lifesaving Codes as outlined in the Fire Safety Codes and the National Safety Codes? Main concerns are that all employees within the Industry must be able to work in a safe environment. Fire extinguishers and a sprinkler system in place. Safe and clean exists at all times. Provide two exits at all times. Every building within the Industry must have a key outside for emergency entrance. Fire alarms. Fire doors in place The Fire Department supports the KTA in the process of getting the Law passed through the CDMP.</p>	<p>The KTA fully accepts the concerns, comments and recommendations made by the Kahnawà:ke Fire Department during the stakeholder meeting. KTA also appreciates the fact that the department is willing to assist us in all safety aspects and for the inspections as well. Most of all the issues discussed during the meeting have already been discussed with the previous other stakeholder meetings and will be in the regulations that already exist in a separate document. KT feels meeting was very productive and informative and looks forward to a solid working relationship with each other. KTA's mandate is to provide a clean and safe environment for all who work within the Industry.</p>	
<p>November 13, 2014. 207 Longhouse. The meeting was unofficial, and it was informal.</p> <p>The two members who met with the KTA made it very clear that this was an informal meeting, and had it been formal it would have been at the 207 Longhouse Cookhouse. They stated clearly that they are not involved with the development of the Law and the Regulations; they do not feel they are bound by the Law, but are not against the Law. Longhouse is an entity that is not bound by this Law.</p>	<p>KTA fully accepts the concerns, comments and recommendations made during the meeting. KTA also accepts the position of the 207 Longhouse. Also accepting the fact that this meeting was unofficial. It was a general discussion.</p>	

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<p>Meeting held November 18, 2014. Comments received November 24, 2014 Kahnawà:ke Shakotiia, takehnhas.</p> <p>Meeting held on November 18, 2014 Community Services-Environmental Health Services. Comments in writing. Lack of regulations supporting the Law. Lack of enforcement procedures for the regulations. Lack of on staff occupational therapist. Lack of health and safety standards specific to the tobacco industry. Uncertainty of the certification process. How will health and safety infractions be managed? What are the minimum building requirements?</p> <p>It is recommended to set out the certification process and criteria for certification. All the regulations should be created prior to the approval of the law. It is recommended that the Commission hire an occupational hygienist. Infraction codes should be developed and highlighted in the law prior to approval. Given the Environmental Health Services mandate, we are unable to support the Law at this time.</p>	<p>The Kahnawà:ke Tobacco Association acknowledged the comments, concerns and recommendations made. KSCS Environmental Health also volunteered to assist with the regulations once it gets to the issues of the concerns. For example lack of regulations supporting the Law and the lack of enforcement, safety and environmental protection. Also when the Community Fund is developed, perhaps the Occupational Hygienist position could be developed and cost shared to ensure all health issues are covered in the regulations that will be developed in the next phase. The KTA already has the regulations in a separate document. The issues will be discussed during that time.</p>	
<p>December 15, 2014</p> <p>Kahnawà:ke Environment Protection Office. Meeting held on December 15, 2015. KEPO commends KTA on the work that the tobacco association have invested in this initiative and support the goal of better regulations of the industry within Kahnawà:ke. KEPO has reviewed the document and provide comments with a focus on environment aspects. The Commission will establish-follow agreed upon standards for health, safety, security and environmental protection in relation to the Kahnawà:ke Tobacco Industry and persons employed in the Industry. KEPO points out that the body of the Law contains no further comment with respect to health, safety, security and the environment. KEPO recommends that a section be added to the Law reiterating the contents of this section Further it is recommended that specific existing Laws and regulations (Kahnawà:ke or otherwise) be referenced where applicable so that the expected standards with respect to health, safety, security and the environment are</p>	<p>The KTA fully accepts the concerns, comments and recommendations made by the Kahnawà:ke Environment Protection Office during the Stakeholder meeting. KTA mentioned most of the issues discussed have already been discussed with Fire Brigade, Environmental Health and Safety, and Community Protection. All the issues will be discussed during the process of the regulations which are already in a separate document. KTA will not have to reinvent the wheel. KTA has taken all concerns seriously and will be incorporated within the next phase. Meeting was very productive and informative.</p>	

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<p>known by all parties. For example, applicable environmental policy, law and guidelines that apply in Kahnawà:ke include: The Interim Landfill Policy for Clean Soil. The Interim Landfill Procedures for Clean Soil. The Sanitary Conditions Law. The Best Management Practices Guide for Working in and around Water. Standards should be adhered to concerning the manufacturing industry (similar to regulations that are being developed for construction, demolition and recycling facilities).</p>		
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<p align="center"><i>COMMENTS OF GENERAL CONCERNS</i></p>	<p>Most of the questions and comments can and shall be answered during the community hearings.</p>	<p>The reason these comments were taken out is because they are not applicable to the law, or are still to be determined in the regulations once the law is completed.</p>
<p>August 2, 2014 Law is needed to ensure the economic base is protected</p>	<p>The economic base will be created once Law is passed and implemented</p>	<p>Comment taken out</p>
<p>August 7, 2014 KTA has no right to be working with illegal band council MCK. KTA/MCK has no right to consult with the people</p>	<p>KTA entered into an MOU with the MCK, to ensure this Law is passed and will benefit the entire Community of Kahnawà:ke. The KTA/MCK made the agreement to work together to protect this Industry and to ensure we as Kahnawake'ro:non benefit.</p>	<p>Comment taken out</p>
<p>Page 3.1 Peace can be achieved by whom, urgency needed for whom</p>	<p>Law will protect the Industry.</p>	<p>Comment taken out</p>
<p>4.1 B not specific enough</p>	<p>TBD during community hearings</p>	<p>Comment taken out</p>
<p>FINAL POINT. Community member agrees Laws have to be done and that the Tobacco Industry has to be accountable to the Community of Kahnawà:ke</p>		<p>This comment should be added to a general concerns page.</p>
<p>LAW is good, but needs tweaking and COMMENDS the industry for the work that has been put into this Law.</p>		<p>This comment should be added to a general concerns page.</p>

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<p>Purpose of law, how does the KTA, MCK anticipate this being done, we cannot just pass a law and state what we want and hope it works. For a Law that will truly protect the industry, there must be agreements with outside governments. If not done, the purpose of the law is DEFEATED. It will remain an internal document and for the most part the (STATUS QUO WILL REMAIN).</p>	<p>The Law must be passed by the people, implemented, enforced and ensuring that our economy is safe. The MCK Politicians it is their job to hold discussions with the outside Governments to show that we have a law and we are taking care of it. ie: MIT operates under the sole jurisdiction of Kahnawà:ke and so does the ABC Law. Doing nothing like present status quo will definitely ensure Industry will fail.</p>	<p>This comment should be added to a general concerns page.</p>
<p>August 27, 2014</p> <p>The community member is in full support of establishing a Law which will assist our community to be able to continue to deal with business relating to tobacco. Concern is the jurisdiction is only for the Territory of Kahnawà:ke. What about companies who transport to other reserves. They are not able to be protected by this Law. The Law should include the above mentioned.</p>	<p>Law has to be passed by the people. Within the Law there are provisions that will deal with businesses who want to apply for a permit. MCK Politicians will also have to work with outside Governments, to ensure that we have a Law in place, and we should be able to do business with our Brothers and Sisters across Turtle Island. Iroquois Caucus is also working on a Free Trade Agreement amongst our Brothers and Sisters in the business.</p>	<p>This comment should be added to a general concerns page.</p>
<p>September 2, 2014</p> <p><i>Community Member has made the following amendments to the Kahnawà:ke Tobacco Law.</i></p> <p><i>Community Member has also made the following comments to the Kahnawà:ke Tobacco Law.</i></p>		
<p>Comment: Any and all Laws that are sent out for review by the Community for comments, suggestions, etc. should be clearly marked with (DRAFT) to indicate that it is not the final version.</p>		<p>Agreed</p>

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<p>We the Kanien'keha:ka of Kahnawà:ke are a community of Indigenous peoples within the Kanien'keha:ka Nation and the Rotinohsonnion. Does the Confederacy agree with this?</p>	<p>ANSWER we are stating who we are.</p>	<p>This question needs to be addressed to the Confederacy</p>
<p>Section II, 2.2 Kahnawà:ke Tobacco Regulatory. Will this effect non-native permit holders of outside permits, for example, bond licenses? If so how will this be dealt with? Will they be able to hold certification from outside, along with Kahnawà:ke certification?</p>	<p>ANSWER the Law is being created and will apply to Kahnawà:ke'ro:non.</p>	<p>Ref: Section 2 in its entirety.</p>
<p>Section III, 3.1 inalienable instead of UNALIENABLE and any instead of AN</p>		<p>Ref: Section 3.1</p>
<p>Section III 3.2 Add is instead of ARE</p>		<p>Comment taken out</p>
<p>3.2 (B) add AND</p>		<p>Comment taken out</p>
<p>Section IV 4, add application</p>		<p>Comment taken out</p>
<p>4.1 (C) all persons and business entities situated or found within the Mohawk Territory of Kahnawà:ke. Does the reference to (all persons and business entities) refer to non-natives?</p>	<p>ANSWER the Law is being created and will apply to Kahnawake,ro:non</p>	<p>Ref: Section 4.1(c) and 5.1 definitions of person and business entity. Also section 8.4</p>
<p>4.2 (A) Does this reference to (Wholesalers, Retailers and Transporters) refer to non-natives? If so, what is the scope of the application to them; will it provide them protection of some sort, if so, should it?</p>		<p>Ref: Section 8.4</p>

COMMUNITY FEEDBACK

DATE RECEIVED COMMENTS	RESPONSES	REFERENCES
<p>4.2 (B) Does this reference to any person or business entity that supplies goods or services to, or has a business relationship with a Broker, Grower, Processor, Supplier, Manufacturer, Wholesaler, Retailer, and Transporter of tobacco products within the Mohawk Territory of Kahnawà:ke including any person or business entity that is in the Territory temporarily for the purpose of conducting any activities to which this Law applies, apply to non-natives. If so how. Is it supposed to be providing them with some sort of protection from their own government or laws?</p>		<p>Ref: Section 8.4</p>
<p>4.3 Does the reference to a (Transportation Certificate) as being (Effective outside the Territory provided that the holder of the Transportation Certificate is in compliance with the requirements of this Law), apply to non-natives. What are the (requirements of this law), regarding (Transportation). There does not seem to be any requirements set out anywhere in the law regarding (Transportation) specifically, other than the reference in this section (4.2.C). If the (Transportation Certificate) is issued by the Commission), how can it be issued to non-natives. The requirements set out in section VIII 8.4-8.6 for (Eligibility) to (apply for and hold a certificate), state that, 8.4 (page 14) (a person must be a natural person who is Kanien'keha:ka of Kahnawà:ke), and 8.5 (a business entity must be wholly owned and operated by one or more Kanien'keha:ka of Kahnawà:ke). How is this going to work in relation to (Transporters) that are non-native? There may be non-native (Transporters), who only (transport) products but have no (business relationship) with natives except to (transport) the products. How will this law work for those arrangements? These transporters may be business entities that are considered (legal persons) because they are a company and therefore will not meet the requirement of being a natural person. As well, they may not necessarily be (wholly owned and operated by one or more Kanien'keha:ka of Kahnawà:ke) since they are only hired to (transport) products and may not have formed any type of (partnership) with natives except to merely (transport) products.</p>		<p>Ref: Section 8.4</p>

COMMUNITY FEEDBACK

DATE RECEIVED COMMENTS	RESPONSES	REFERENCES
<p>4.5 Mandate (Should there be a Mandate in this document, especially since one is referred to in 6.5 (C) on page 7 of this Law? If so, should it appear before Scope and or after Scope? If so, renumber Table of Contents of the Law to reflect this change.</p>		<p>Ref: Section 6.2. See also comment #56.</p>
<p>5 (5.1) Kahnawà:ke Tobacco Regulatory Commission, (hereinafter Commission). Can they be referred to as the (KTRC) or keep (Commission)? It may be confusing since there are other (Commissions) in Kahnawà:ke, such as the Gaming Commission. Should put abbreviation after the definition, either, (KTRC), or the word (Commission).</p>		<p>Ref: Section 5.1 definition of Commission</p>
<p>5.2 has instead of (will have) and shall instead of (will)</p>		<p>Comment taken out there is no 5.2</p>
<p>5.3 And add (and shall answer to the Kanien'keha:ka of Kahnawà:ke as a whole).</p>		<p>Ref: Section 6.4</p>
<p>5.4 And add shall answer and be instead of (is)</p>		<p>Comment taken out there is no 5.4</p>
<p>5.5 (C) (Mandate) is referred to, but there is no (mandate) of reference to (mandate) anywhere else in the Law. If there is to be a (mandate), it should appear at the beginning of the document either before (Scope), or after (Scope).</p>		<p>Ref: Section 6.2. See also comment #51.</p>
<p>5.6 Structure Will this work? Is it fair representation of all?</p>		<p>Ref: TBD</p>
<p>Section VI: Powers And Duties Of The Commission, 6.1 (B) (ix): add based on regulations</p>		<p>Comment taken out</p>
<p>6.1 (B) (x) To be carried out by whom. Does (E) found below apply here.</p>		<p>Ref: Section 7 in its entirety. See also comment #61.</p>

COMMUNITY FEEDBACK

DATE RECEIVED COMMENTS	RESPONSES	REFERENCES
6.1 (D) add and		Comment taken out
6.1 (E) If the Commission (grants) the certificates authorization, how can they hear or decide on the matter.		Ref: Section 7 in its entirety. See also comment #59.
Section VII 7.2 What exactly does this statement (orderly fashion) mean? What sentiment is trying to be conveyed? How will this be enforced, what if they do not comply?		Ref: Section 8.2.
7.4 Add Certificate to Eligibility How will this work in regards to a non-native person. For example, section IV Scope, 4.3 states (A Transportation Certificate issued by the Commission is effective outside the Mohawk Territory). What if it a non-native transporter. How would they meet the requirements of being (Kanien'keha:ka of Kahnawà:ke). As well, what if the non-native is in partnership with a Native.		Ref: Section 8.4.
7.6 How will this be enforced, what if they do not comply?		Ref: Section 11.7.
(7.13) WILL THERE BE AN APPEALS PROCESS? If so, where would it go?		Ref: TBD in Regulations
Section VIII 8.1 Add shall instead of may There should probably be (Regulations) for this whole section.		Ref: There will be Regulations
8.1 (A) Non-native compliance		Ref: Section 8.4
8.1 (B) Nonnative compliance		Ref: Section 8.4
8.2 (A) Define (tiers), (categories). What are these based on?		Ref: TBD in Regulations
8.2 (B) (Fluctuation) based on what factors?		Ref: TBD in Regulations
Section IX 9.1		Comment taken out

COMMUNITY FEEDBACK

DATE RECEIVED COMMENTS	RESPONSES	REFERENCES
Will other Regulatory based bodies, such as, Poker Houses with ABC & Gaming permits, Restaurants with ABC permits, stores, distributors with ABC permits, be subject to the same or similar requirements of contributing to the (fund).		
9.2 What uses will it be put to, what criterion, who decides where it will be distributed, how much is the limit.		Ref: Section 7 in its entirety and Section 10.2 and 10.10.
9.3 Perhaps make another body the (trustee), like Caisse Populaire, for purposes of transparency.		Ref: Section 10.3 and 10.5. To be determined.
9.4 What about also stating it will also report to the Industry Members, since that is where the funds will come from?		Ref: Drafting Team suggests no change to wording.
9.5 Will it be audited, example of (instrument).		TBD in Regulations
9.6 What is this based on? By whom will it be (held) and (administered) if it is (independent) and (autonomous) from person, group, organization or independent body?		Ref: Section 10.3 and 10.4. Will also be determined in the Regulations.
9.8 What scale will the fees be based on?		TBD in Regulations
9.9 The fees for stamps do amount to a (STAMP TAX) (LEVY-DUTY) even if they are not actually labeled as such. Will there be a discount for larger orders?		Comment taken out
9.13 What are examples of (arrangements), what are the (arrangements) based on?		TBD in Regulations
9.15 How will this be enforced?		TBD in Regulations

COMMUNITY FEEDBACK

DATE RECEIVED COMMENTS	RESPONSES	REFERENCES
9.16: Add (and)		Comment taken out
10.3 (D): Add (and)		Comment taken out
10.5 Is 1 (one) a realistic number with the amount, type of businesses and different categories of seller, transporter, etc.?		Comment taken out
10.7 What defines (breach)? Are they responsible for everything? For example, are they responsible for looking at (stamps) like a Customs Officer?		TBD in Regulations. This is under the purveyance of the Inspectors.
Section XI add: (or) BY-LAWS OF THE COMMISSION (or KTRC) OF COMMISSION MEMBERS		N/A. Not in current version of draft.
11.5 (B) add (when)		N/A. Not in current version of draft.
11.5 (C) add (firearms)		N/A. Not in current version of draft.
11.6 (A) take out and, and put (or) and take out (as the case may be). What about brokers, processors, suppliers, transporters and growers? Should they be on this list		N/A. Not in current version of draft.
11.8 (C) add (by)		N/A. Not in current version of draft
11.8 (C) (iii) add (and)		N/A. Not in current version of draft.
11.17 The statement is rather large and all-encompassing: It should probably mention here, or somewhere else in the Law, what exactly constitutes a (breach) that would be cause for removal. As well, it might be fairer if there is a statement that goes along with this		N/A. Not in current version of draft.

COMMUNITY FEEDBACK

DATE RECEIVED COMMENTS	RESPONSES	REFERENCES
<p>one stating, if an (Industry Member) commits a breach that industry members will be consulted and informed of the perceived breach and whether they agree. The same can be used for (General Commission Members) and the statement can state, if a General Commission Member commits a breach the Community will be informed of the perceived breach and whether they agree.</p>		
<p>11.20 Who will make up the three (3) person (Interim Commission)? Will it be both (industry) and (general)? If the goal is to have both in the actual Commission it might be wise to have both represented in the (interim) for transparency and fairness.</p>		<p>N/A. Not in current version of draft.</p>
<p>11.21 This sentence is redundant; it states the same sentiment twice. The sentence meaning would be different if there actually were (specific powers and duties assigned to the Interim Commission. However, the only reference in the Law to the Interim Commission is here, nowhere in the Law does it set out (specific powers and duties assigned to the Interim Commission). If there were (specific powers and duties assigned to the Interim Commission, what are they, where are they found, what should they be.</p>		<p>N/A. Not in current version of draft.</p>
<p>11.26 Add (and at least two (2) of which are General Commission Members). The sentence should be more specific in regards to the makeup of the seven (7) members. What if the seven (7) members (present) are made up of 6 (Industry Members) and only one (1) General Commission Member. Will it be considered as sufficient representation for the (General Kanien'keha:ka). Perhaps a requirement of having at least two (2) (General Commission Members) (PRESENT) would be fairer.</p>		<p>N/A. Not in current version of draft.</p>

COMMUNITY FEEDBACK

DATE RECEIVED COMMENTS	RESPONSES	REFERENCES
11.27 Add four (4), at least two (2) of which are General Commission Members. The simple majority should be specified, is it 4 or 4+1. Should probably specify that at least two (2) (General Commission Members) required as per previous sentence suggestion.		N/A. Not in current version of draft.
11.29 Add two (2) As per the previous sentence the simple majority, should be stated. In this case there would only be three (3) members, therefore the simple majority would be two (2). As stated above in (Interim Commission), the question is who will make up the interim commission. Will there be an Industry Member, if so, is it a Manufacturer, Retailer, or Wholesaler, and will it be required that one (1) be a General Member?		N/A. Not in current version of draft.
11.32 What about meetings, with all Industry Members. There is no mention of meeting with them, which there probably should be if there are major issues that affect them. There should be meetings with them when major decisions should be made and allow them to participate and vote. What are examples of what falls under (DEEMS APPROPRIATE)?		N/A. Not in current version of draft.
11.34 Will they be open to all (Industry Members)?		N/A. Not in current version of draft.
11.35 Should they ask (Industry Members) what would be appropriate?		N/A. Not in current version of draft.
11.36 add (SPECIFIC)		N/A. Not in current version of draft.
11.37 What constitutes (immediate family member)? Does this include (girlfriend), (boyfriend), or (significant other)?		N/A. Not in current version of draft.

COMMUNITY FEEDBACK

DATE RECEIVED COMMENTS	RESPONSES	REFERENCES
Section XII 12.1 Broker; add (as in to broker).		N/A. Not in current version of draft.
Business Entity Does this apply to a (Transporter) that is a (sole proprietorship, joint venture, partnership or corporation)?		N/A. Not in current version of draft.
Contribution Fee Will this same type of fee be applied to other entities in Kahnawà:ke that require permits, such as the Gaming Commission and ABC issued permits? If not, should the (Gaming, ABC) be subject to the same fee, if not why?		N/A. Not in current version of draft.
Eligible Recipient Reference is made to (an organization), maybe for clarity sake some of the names of the organization should be cited-listed as examples, such as the Kahnawà:ke Youth Center. It can state that the examples cited are (not exclusive or limited), meaning that even though some organizations are listed it does not mean that it is limited to only those. What is meant by (external organization)? Is it (external) to Kahnawà:ke?		N/A. Not in current version of draft.
General Commission Member Add (who is not an Industry Member) to make clear who can and cannot hold this position.		N/A. Not in current version of draft.
Immediate Family Member Should (significant other) be included, since this relates to page 12, Section VI 6.48 Conflict of Interest-whereby members must abstain from participating in any portion of a meeting or voting in any decision that affects an immediate family member? Is a common-law partner, significant other, or a boyfriend-girlfriend, considered (an immediate family member)?		N/A. Not in current version of draft.

COMMUNITY FEEDBACK

DATE RECEIVED COMMENTS	RESPONSES	REFERENCES
<p>Importer</p> <p>Can this person be a non-native?</p>		<p>N/A. Not in current version of draft.</p>
<p>Kahnawà:ke Tobacco Association or (KTA)</p> <p>States it (is open to all Kanien'keha:ka of Kahnawà:ke who are involved in the Kahnawà:ke Tobacco industry). Does (open to all) mean it is optional? If it is not meant to be then it should state that it is (mandatory)? However, the question then becomes how to force (all) to become members.</p>		<p>N/A. Not in current version of draft.</p>
<p>Kahnawà:ke Tobacco Industry. Add (which is) and (or)</p>		<p>N/A. Not in current version of draft.</p>
<p>Kanien'keha:ka of Kahnawà:ke, take out: (by the).</p> <p>(Identified) by whom and under what Law? Where will this be set out? The sentence should read either (of the) or (by the), or both, as it appears in the present Law.</p>		<p>N/A. Not in current version of draft.</p>
<p>Manufacturer</p> <p>Should this list include one of the following, (producing), (production), or (processing). (Processing seems to be fitting since the word (process) and (processor) appear in the Law, but (production) does not. Should the words (produce) or (production) appear in the Law?</p>		<p>N/A. Not in current version of draft.</p>
<p>Partnership</p> <p>The word (association) is a tricky word, as seen in outside laws; it is sometimes looked at in a negative way, for example, in the Criminal Code of Canada. Will it be defined by the outside in a negative way implying real or unreal (associations) with what may be considered organized crime organizations, example (BIKERS).</p>		<p>N/A. Not in current version of draft.</p>

COMMUNITY FEEDBACK

DATE RECEIVED COMMENTS	RESPONSES	REFERENCES
<p>Persons Add (Natural)</p> <p>Should this appear in the definitions as (natural person), since that is the wording used on page 14 section 8.4, of this Law? If so, it should move up in the definitions under (Manufacturer). Should a distinction be made, and state, (as opposed to a legal person)?</p>		<p>N/A. Not in current version of draft.</p>
<p>Processor Add (raw tobacco product). Should the word (processing) be included if put into the list of the definitions of (Manufacturer). (Processor) – of what</p>		<p>N/A. Not in current version of draft.</p>
<p>Regulations: Add (this)</p>		<p>N/A. Not in current version of draft.</p>
<p>Retailer: Add Tobacco products to the public for consumption. For clarity add the words, (tobacco products to the public for consumption).</p>		<p>N/A. Not in current version of draft.</p>
<p>Supplier Can they be non-natives? If so, will they need a certificate? If so, will their product be regulated, inspected, certified. If so, by whom and how.</p>		<p>N/A. Not in current version of draft.</p>
<p>Tobacco or Raw Tobacco take out (or)</p>		<p>N/A. Not in current version of draft.</p>
<p>SCHEDULE (B) was not attached to the Draft 1 received, however, the word (unalienable) under (purpose), should read (inalienable). As well the words (to make a living) under (purpose), can be removed since (have our own economy), means the same thing. However, if (to make a living) must stay, then replace the word (make) with (earn).</p>		<p>N/A. Not in current version of draft.</p>
<p>The margins and numbering do not align in the community members draft and would have to be fixed.</p>		<p>N/A. Not in current version of draft.</p>