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Six Nations Business Registration Regulations

1. Purpose

As the duly elected government of the Territory, Six Nations Elected Council represents the interests of the community and strives to foster an improved quality of life for the people of Six Nations. Council recognizes the potential benefits that sustainable economic growth will provide for individuals and the community as a whole. Thus, Council strongly supports the development of a strong economic base within the Territory and wishes to encourage both new and existing entrepreneurs. Furthermore, Council is determined to protect businesses from outside taxation by exercising the Treaty and Inherent Rights provided in the Royal Proclamation 1763, The Haldimand Deed 1784, The Constitution Act 1867, and The Indian Act. Many Six Nations businesses have encountered problems with outside laws, taxes and businesses. In these cases the existing system of a 'letter of recognition' has failed to provide Council with enough information to advocate on behalf of the business owner. Developing and maintaining a more comprehensive record of the businesses in the Territory will allow Council to challenge outside governments and provide greater support to businesses and owners.

2. Policy Statement

Six Nations Elected Council is committed to protecting and fostering Six Nations Business operations in the Territory. To improve the ability of Council to assist Businesses, Council is replacing the 'letter of recognition' with a more efficient Business Licence system.

3. Definitions

Administration – the unelected employees of the Six Nations Elected Council, headed by the Senior Administrative Officer

Business – every trade, occupation, profession, service or venture carried on with a view to profit regardless of its organizational form

Council – Six Nations Elected Council or its designate

Licence – a registered business licence issued by Council

Territory – the Six Nations of the Grand River Territory

Six Nations Member – An individual who appears on the Six Nations Membership List

4. Eligibility

4.1 Every Six Nations Member operating a Business within the Territory, who wishes to be recognized by Council, must ensure that their Business is registered, through the approved format, with Council.

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4.2 Corporations and businesses owned by individuals who are not Six Nations Members are ineligible to apply for a Licence.

4.3 Businesses that are owned by a partnership formed by Six Nations Members and non-Members must be able to demonstrate that the Six Nations Members possess, at a minimum, a 50 percent share in the business to be eligible for a licence.

5. Multiple Businesses and Locations

5.1 Business owners operating more than one Business are required to register each Business separately.

5.2 Businesses operating with multiple locations are required to register each location separately.

6. Changes to Licences

6.1 It is the responsibility of the Business owner to ensure that all information is complete and up to date.

6.2 Council must be notified within 30 days if any of the following change:

- (a) the location of the Business;
- (b) the name of the Business;
- (c) the owner(s);
- (d) the structure of the Business;
- (e) the services or product being sold; or
- (f) the address of the owner.

6.3 Applications that contain intentionally false or misleading information will invalidate the Business Licence.

7. Displaying Licences

7.1 Businesses should display their Licence at all times in a conspicuous place clearly visible to persons entering the premises at all times while the Licence is in effect.

8. Renewal

8.1 Licences must be renewed annually on the expiration date noted on the Licence.

9. Fees

9.1 Every Licence purchased shall be subject to the full annual fee of \$120.00.

9.2 Notwithstanding subsection 9.1, every application received by Council during the 180 day phase in period noted in subsection 19.2 shall have the licence fee waived.

10. Processing

10.1 Applications will be processed in the order that they are received.

10.2 All applications will take a minimum thirty (30) days to process.

10.3 In order to ensure that a Business will not violate the conditions listed Section 12 Council may require more information about the Business and/or its owners. In order to gather this information Council may request further information from the applicant.

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10.4 For greater clarity, but without limiting the generality of subsection 10.3, gathering information may include a visit of the Business site but shall not include an examination of the Business' financial records.

11. Expired Licences

11.1 A Business that fails to renew its Licence within 30 days of the expiration date will be considered to be operating without a Licence and will not be recognized by Council.

12. Revoking, Suspending, or Denying a Licence

12.1 Council may revoke, suspend, refuse to issue, or renew a Licence:

- (a) where the conduct of any Person, including the conduct of any officer, director, employee or agent of a corporation affords reasonable cause to believe that the Person will not carry on or engage in the business in accordance with the law or with honesty and integrity;
- (b) where the issuance of the Licence, or renewal of the Licence, would be contrary to the health, safety or wellbeing of the people of Six Nations;
- (c) where the issuance of the Licence could harm the integrity or interests of Council;
- (d) where the Business Owner has had past violations of these regulations, or any other By-law, statute or regulation relating to the Business; or
- (e) for violating any other terms under these regulations.

12.2 For greater clarity, but not to limit the generality of the forgoing, Council may refuse to issue, or renew a Licence if the applicant is unable or unwilling to demonstrate that they meet all the criteria required for a Licence to the satisfaction of Council.

13. Operating Without a Licence

13.1 Businesses that operate without a Licence shall be ineligible for the following:

- (a) Council recognition for tax purposes;
- (b) Council signatures on loans; and
- (c) Guarantees of credit with businesses outside of the Territory.

13.2 A Business whose application has not been processed will be considered to be operating without a Licence.

14. Refunds and Lost Licences

14.1 No refunds will be issued on any Licence.

14.2 In the event that a Licence issued in accordance with these Regulations is lost or destroyed, Council upon satisfactory proof of such loss or destruction and upon payment of a replacement fee of \$25.00 shall issue a duplicate of the original Licence to the Business owner, upon which shall be stamped or marked "duplicate."

15. Transferring Licences

15.1 Licences are not transferable from person to person or location to location and are deemed to be cancelled immediately upon change of ownership or location of the business, or upon discontinuation of the business.

16. Letters of Recognition

16.1 Subject to the 180 day phase in period noted in subsection 19.2 all letters of recognition are hereby void.

17. Appeals

17.1 In the event that a Council designate revokes; suspends; or refuses to issue, or renew, a Licence; the designate shall send written notice to the Business owner advising of the decision to the most recent address provided to Council. The notice shall:

- (a) set out the grounds for the decision;
- (b) give reasonable particulars of the grounds;
- (c) be signed by the SAO; and
- (d) state that the Business owner may appeal the decision to Council by filing a written request with the Council Secretary, setting out the grounds or basis for the request within thirty (30) days from the date the notice was issued.

17.2 If no written request for an appeal is received by the Council Secretary within the thirty (30) day time limit, or postmarked within the time limit:

- (a) no extension of the time limit will be granted; and
- (b) the decision of the designate will be final.

17.3 If a written request is received within the time limit or postmarked within the time limit:

- (a) Council shall set a date to hear the appeal; and
- (b) Council shall ensure that all parties that Council deems has a reasonable interest in the appeal, including the appellant and the Council designate, are notified of the date and provided with an opportunity to present any relevant evidence to Council.

17.4 Council shall deliberate in an in camera session and issue their decision to the appellant. Council decisions shall be final.

18. Delegation

18.1 With the exception of its responsibilities under Section 17, Council delegates all of its administrative responsibilities under these regulations to the Administration. The Senior Administrative Officer shall ensure that procedures that are in accordance with these regulations are created and administered by designated staff.

18.2 Procedures established under the authority of these regulations are subject to change without notice.

19. Transition

19.1 Any Business without an existing letter of recognition by the date pronounced by subsection 19.2 will be immediately subject to these regulations.

19.2 Any Business with an existing letter of recognition will have 180 days to purchase a Licence without losing recognition from Council. After the 180 day phase in period has expired these regulations will be in full force and any Business operating without a Licence will not be recognized by Council.

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20. Authorization

20.1 This policy was approved by Six Nations Elected Council at the _____ meeting held on _____ by SNCR No. _____ to be effective on _____. This policy shall repeal and replace previous policies on letters of business recognition.

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