



## Voluntary Business Recognition Policy

Category: Public

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Approved By: GC#843-11/20/2012

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### 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.

Council is determined to protect businesses from outside taxation as guaranteed by our treaty and inherent rights. 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

- 2.1 The position of the Six Nations Elected Council is that Canadian taxes, including federal, provincial, and municipal) do not apply on the Territory. Businesses owned by Six Nations Members are not required to collect taxes on behalf of any Canadian government.
- 2.2 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 Registration system.

### 3. Definitions

- 3.1 The following terms shall for the purposes of this policy have the following respective meanings:
  - (a) Administration – means the unelected employees of the SNEC, headed by the SAO.
  - (b) Application – means the form set out in "Schedule A", as amended from time to time by SNCR.
  - (c) Business – means a trade, occupation, employment or profession, vocation, commercial activity, or enterprise which habitually occupies or engages the



regular time, attention, labour and effort, of an individual or group of individuals.

- (d) Council – means the members of the elected council consisting of the Chief and twelve district Councillors.
- (e) Council Secretary – means the person designated by the SAO to prepare agendas and record minutes for Council meetings or his/her designate.
- (f) Business Registration – means a registered Business Registration issued by SNEC in the form set out in “Schedule B” as amended from time to time by SNCR.
- (g) Territory – means the Six Nations of the Grand River Territory.
- (h) SAO– means the Senior Administrative Officer or his/her designate.
- (i) Six Nations Member – An individual who appears on the Six Nations Membership List.
- (j) SNEC – means the entire Six Nations Elected Council organization including Council and the Administration.
- (k) SNCR – means a Six Nations Council Resolution.

#### **4. Purpose of Obtaining a Business Registration**

4.1 Every Business operating within the Territory, that wishes to be recognized by SNEC, must ensure that their Business is registered, through the approved format, with SNEC. Specifically any business which has its primary location, head office or subsidiary office within the Territory may apply for a Registration

4.2 A Business Registration does not signify that SNEC has interest in or supports the operations of the business. For further clarity, and not to limit the generality of the foregoing; the issuance of a Business Registration pursuant to this policy shall not be construed as relieving or limiting the responsibility or liability of any Business owner for injury, death, or damage resulting from acts or omissions of the Business owner, his/her agents, servants, employees, contractors in performing the operations of a business in accordance with a permit which is issued hereunder. Likewise, provisions of this policy shall not be construed as imposing on SNEC, its Council, officers, employees, servants, and agents any responsibility or liability whatsoever by reason of the approval of or issuance of a Business Registration.

#### **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 Business Registrations**

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

6.2 SNEC must be notified within thirty (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 Registration.

## **7. Publication of Business Registrations**

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

7.2 A list of Business Registrations will be maintained by the Administration and may be publicized in any format, including being posted on the SNEC website.

## **8. Renewal**

8.1 All Business Registrations will be issued for a term of either one (1) or two (2) years.

8.2 Business Registrations must be renewed within thirty (30) days of the expiration date noted on the Business Registration.

8.3 A Business that fails to renew its Business Registration within 30 days of the expiration date will be considered to be operating without a Business Registration and will not be recognized by SNEC. This provision shall not preclude an eligible business from applying for a new Business Registration.

## **9. Fee**

9.1 Every Business Registration purchased shall be subject to the full fee of \$25.00 for each year of the Business Registration's term of validity.

## **10. Processing**

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

10.2 Notwithstanding subsection 10.1, applications for renewal of a Business Registration that is in good standing shall be processed within five (5) business days if the information relevant to the Business and owner remains the same as indicated on the previous application for a Business Registration.

10.3 In order to ensure that a Business will not violate the conditions listed in Section 11 the Administration is authorized to gather more information about the Business and/or its owners that is not included in the application.

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. Revoking, Suspending, or Denying a Business Registration**

11.1 The Administration may revoke, suspend, refuse to issue, or renew a Business Registration:



- (a) where the conduct of any person related to the Business, including the conduct of any officer, director, employee or agent of the Business, affords reasonable cause to believe that the Business will not carry on or engage in business in accordance with applicable law or with honesty and integrity;
  - (b) where the issuance of the Business Registration, or renewal of the Business Registration, would be contrary to the health, safety or wellbeing of the people of Six Nations;
  - (c) where the issuance of the Business Registration could harm the integrity or interests of Council;
  - (d) where the Business Owner has had past violations of this policy, or any other By-law, statute or regulation relating to the Business; or
  - (e) for violating any other terms under this policy.
- 11.2 For greater clarity, but not to limit the generality of the forgoing, the Administration may refuse to issue or renew a Business Registration if the applicant is unable or unwilling to demonstrate that they meet all the criteria required for a Business Registration to the satisfaction of the Administration.
- 11.3 Denial of a Business Registration by the Council does not preclude the applicant from reapplying for a Business Registration; however, the applicant must wait one year from the original application date before reapplying.

## **12. Operating Without a Business Registration**

- 12.1 A Business whose application has expired or has not been processed will be considered to be operating without a Business Registration.

## **13. Refunds and Lost Business Registrations**

- 13.1 No refunds will be issued on any Business Registration.
- 13.2 In the event that a Business Registration issued in accordance with this policy is lost or destroyed, the Administration upon satisfactory proof of such loss or destruction shall issue a duplicate of the original Business Registration to the Business owner, upon which shall be stamped or marked “duplicate.”

## **14. Transferring Business Registrations**

- 14.1 Business Registrations 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.

## **15. Letters of Recognition**

- 15.1 Subject to the one (1) year phase in period noted in subsection 18.2 all letters of recognition are hereby void.

## **16. Appeals**

- 16.1 In the event that the Administration revokes; suspends; or refuses to issue or renew a Business Registration; written notice advising of the decision shall be sent to the Business owner, at the most recent address provided to SNEC. The notice shall:



- (a) set out the grounds for the decision;
  - (b) give reasonable particulars of the grounds;
  - (c) be signed by the Senior Administrative Officer; 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.
- 16.2 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 Administration will be final.
- 16.3 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 Business owner and appropriate members of the Administration, are notified of the date and provided with an opportunity to present any relevant evidence to Council.
- 16.4 Council shall deliberate in an in-camera session and issue their decision to the Business owner. Council decisions shall be final.

## **17. Delegation**

- 17.1 The Senior Administrative Officer has the authority to, and shall ensure that this policy is administered by designated staff.
- 17.2 The Senior Administrative Officer has the authority to approve any administrative procedures, in accordance with this policy, that he/she deems necessary to provide for the implementation of this policy.
- 17.3 This policy and any related procedures, application forms, and Business Registrations established under the authority of this policy are subject to change without notice.

## **18. Transition**

- 18.1 Any Business without an existing letter of recognition by the effective date pronounced by subsection 19.1 will be immediately subject to this policy.
- 18.2 Any Business with an existing letter of recognition will have one (1) year from the effective date pronounced by subsection 19.1 to purchase a Business Registration without losing recognition from Council. After the one (1) year phase in period has expired this policy will be in full force and any Business operating without a Business Registration will not be recognized by Council.

## **19. Authorization**

- 19.1 This policy was approved by Six Nations Elected Council at the General Council meeting held on November 20, 2012 by SNCR No. (GC#843-11/20/2012) to be effective on April 1, 2013. This policy shall repeal and replace previous policies on letters of business recognition.



19.2 This policy was amended by Six Nations Elected Council at the General Council meeting held on February 12, 2013 by SNCR No. **GC#106-02/12/2013** effective immediately.