



December 2018

CALL FOR PROPOSALS

Terms of Reference for Mississaugas of New Credit First Nation (MNCFN) Development of MNCFN Cannabis Law/Regulation

Statement of Purpose:

MNCFN has an immediate need to engage professional expertise and/or a lawyer to assist in developing a Cannabis Law/Regulation. The Contractor will work closely with the Cannabis Lead/Coordinator to develop a MNCFN law that will provide the regulations for the Cannabis business sector both in the grow/production area and the dispensary/retail area including online sales. The Contractor will deliver a draft Cannabis Law/Regulation to the MNCFN Chief and Council at the end of the project (target date is February 28, 2019).

Preamble:

MNCFN is an independent First Nation and as such we always maintain our jurisdictional rights. With the recent legalization of Cannabis/marijuana in Canada, MNCFN maintains it is within our jurisdictional right to make decisions regarding both the economic/business development sector as well as the legal regulations for this industry within our MNCFN Treaty territory.

According to the United Nations Declaration on the Rights of Indigenous Peoples 2007 (UNDRIP) the following three Articles pertain to MNCFN asserting our rights and jurisdiction:

- **Article 3** *Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*
- **Article 4** *Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.*
- **Article 5** *Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State (i.e. Ontario).*



Mississaugas of the New Credit First Nation
2789 Mississauga Road RR 6, Hagersville, Ontario N0A 1H0



Phone: (905) 768-1133
Fax: (905) 768-1225



Background:

Recreational use of Cannabis became legal in Canada effective October 17, 2018. The government of Canada under Health Canada has retained the authority to administer and license the grow/production of cannabis within the same parameters that have been in place for medical marijuana for a number of years. The grow facilities are highly regulated and closely monitored through Health Canada. This is expected to remain the same for grow facilities targeting the recreational cannabis market.

The authority for regulating the “dispensing/distribution” of recreational cannabis has been delegated to the Provinces and Territories as to how the sale of Cannabis takes place within their provincial or territorial jurisdictions. The government of Ontario has made the decision to privatize the dispensary/retail side of the Cannabis business in Ontario. However, Ontario as of now, does not have and will not have their provincial legislation as it pertains to dispensing/retailing Cannabis in Ontario for a number of months. This suite of legislation dealing with dispensing/retailing Cannabis in Ontario is not expected to be tabled and approved by the Ontario legislature until April of 2019.

From a purely economic development perspective the Cannabis business sector represents a potentially very lucrative business opportunity to the MNCFN. The development of a MNCFN Cannabis Law/Regulation will lay the framework for how Cannabis is governed and regulated within the MNCFN Treaty territory.

SCOPE OF WORK:

The Contractor will assist in the development of the MNCFN “Cannabis Law/Regulation”. The Contractor will be knowledgeable in Indigenous jurisdictional rights as well as have a thorough understanding of the Cannabis industry. The Contractor will have experience working with other First Nations in developing laws/bylaws/regulations specific to their rights to exert jurisdictional authority within their territory and Treaty Lands. The Cannabis Lead/Coordinator and Wealth Creation Pillar Leader will be the key drivers of the consulting work that will be carried out to develop the MNCFN Cannabis Law/Regulation. MNCFN wants the Cannabis Law developed based on our direction and decisions that we feel are in the best interests of the MNCFN community and our members.

The Contractor will provide a draft MNCFN Cannabis Law/Regulation and make recommendations on how the law can/will be implemented within the MNCFN Treaty territory.

Duties of the Contractor

The duties of the Contractor to successfully complete this project and meet the needs of the MNCFN will include:

- Submission of a detailed work plan
- Preparation of a timeline and budget for the project
- Demonstrated experience and expertise in developing Indigenous laws and regulations
- Through their proposed methodology, demonstrate an ability to make a final recommendation the proposed law as well as suggested implementation plan for the MNCFN Treaty territory

Expected capabilities/requirements of the Contractor

- Possess a range of previous experience on similar projects
- Possess and demonstrate knowledge and ability to analyze the current requirements of the law/regulation as well as anticipate future developments that may need to be incorporated into the law/regulation by the MNCFN
- Possess a demonstrated knowledge of Indigenous jurisdictional rights and developing laws that uphold these rights
- Possess a demonstrated understanding of the Cannabis sector in Canada

Project Deliverables, Timeframes and Budgets

The primary deliverable of this project will be a draft MNCFN Cannabis Law/Regulation for the MNCFN Treaty territory. The Contractor will also provide a suggested implementation plan for the enactment of the proposed law/regulation.

The Contractor will include a proposed fee to engage their services as part of their proposal.

Please address proposals to (deadline is noon December 14, 2018):

Mississaugas of the New Credit First Nation

Attention: Cannabis Lead/Coordinator

2789 Mississauga Road

Hagersville, Ontario

N0A 1H0

Proposals can be submitted electronically the following email address:

Proposal.Writer@mncfn.ca

TERM OF THE CONTRACT:

This contract shall cover a period starting as soon as possible in December 2018 and be complete by February 28, 2019.

CONTRACTUAL TERMS AND CONDITIONS:

The successful Contractor agrees to enter into and sign a standard MNCFN Purchase of Service contract to provide their services to the MNCFN.

CONFIDENTIALITY CAUTION:

This document is intended only for the use of the individual or entity to which it is addressed/delivered and contains information that is confidential and may be privileged. If the reader of this document is not the intended recipient or the employee or agent of the intended recipient, you are hereby notified that any dissemination, distribution or copying of this document is strictly prohibited.