

SUBJECT: Labrador Inuit Constitution

OBLIGATION: Bring the Labrador Inuit Constitution into force
17.3.5

PARTIES: Labrador Inuit Association / Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Bring Labrador Inuit Constitution into force.	Nunatsiavut Government	On the Effective Date.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Labrador Inuit Constitution shall be effective as the fundamental law of Inuit to the extent that it is consistent with the Agreement (17.3.2).

The Labrador Inuit Constitution shall provide for the matters in section 17.3.3 of the Agreement (17.3.3).

FINAL AGREEMENT PROVISIONS

17.3.5 The Labrador Inuit Constitution that was approved in a referendum on April 15th, 2002 by over 66 percent of members of Labrador Inuit Association of the full age of 16 years or older who voted in the referendum, as amended according to its provisions prior to the Effective Date, shall come into force on the Effective Date.

CROSS-REFERENCED AND RELATED PROVISIONS

Labrador Inuit Constitution

SUBJECT: Registry of Laws

OBLIGATION: Create the Labrador Inuit Registry of Laws
17.5.1 & 17.5.2

PARTIES: Nunatsiavut Government
Inuit Community Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Establish procedures for the proclamation of the public registry and the publication of Inuit Laws and Bylaws.	Nunatsiavut Government	On the Effective Date.
2	Provide copies of the Labrador Inuit Constitution, Laws and Bylaws to Canada and the Province (Attorney General).	Nunatsiavut Government	As soon as practicable after the Laws and Bylaws come into effect.
3	Maintain in each Inuit Community a public registry of its Bylaws.	Inuit Community Government	Upon the establishment of the Inuit Community Governments.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Inuit Court shall take judicial notice of Inuit Laws and Bylaws (17.5.3).

Copies of Inuit Laws and Bylaws for the Province will be sent to the Attorney General.

Inuit Community Government will provide copies of their Bylaws to the Nunatsiavut Government.

FINAL AGREEMENT PROVISIONS

17.5.1 The Nunatsiavut Government shall:

- (a) maintain a public registry of the Labrador Inuit Constitution, Inuit Laws, including Inuit customary laws in respect of matters within the jurisdiction of the Nunatsiavut Government, and Bylaws;
- (b) provide Canada with copies of the Labrador Inuit Constitution, Inuit Laws and Bylaws and any amendments to any of them in one of Canada’s official languages as soon as practicable after they come into effect;

- (c) provide the Province with copies of the Labrador Inuit Constitution, Inuit Laws and Bylaws and any amendments to any of them in English as soon as practicable after they come into effect; and
- (d) establish procedures for the proclamation and publication of Inuit Laws and Bylaws.

17.5.2 Each Inuit Community Government shall maintain, in the Inuit Community, a public registry of its Bylaws.

Activity Sheet: 17-3

SUBJECT: Powers of the Nunatsiavut Government in relation to the Control of Alcoholic Beverages

OBLIGATION: Issuance of Licences for the sale of Alcoholic Beverages in Labrador Inuit Lands (LIL)
17.10.1 & 17.10.3

PARTIES: Nunatsiavut Government
Person
Board of the Newfoundland and Labrador Liquor Corporation

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Make Laws respecting the issuance, suspension, cancellation, refusal and renewal of licences in LIL and the Inuit Communities for the sale of Alcoholic Beverages.	Nunatsiavut Government	As desired.
2	Apply to the Nunatsiavut Government for issuance or renewal of licence for the sale of Alcoholic Beverages.	Person	Upon desire to sell Alcoholic Beverages.
3	Approve or deny application.	Nunatsiavut Government	As soon as practicable upon receipt of application.
4	Appeal to the board of the Newfoundland and Labrador Liquor Corporation.	Person	As desired, upon denial of application by the Nunatsiavut Government.
5	Hear appeal and render a decision.	Board of the Newfoundland and Labrador Liquor Corporation.	As per the Provincial <i>Liquor Control Act</i> .

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Inuit Laws must contain criteria that are comparable to those of the Province (17.10.2).

A person may also appeal to the board regarding the suspension or cancellation of a licence (17.10.3).

Enactment of an Inuit Law on this matter may require amendments to the Provincial *Liquor Control Act* to allow the Board to hear appeals under Activity 5.

The Newfoundland and Labrador Liquor Corporation shall be the sole wholesale distributor of Alcoholic Beverages in Labrador Inuit Lands and the Inuit Communities. The Newfoundland and Labrador Liquor Corporation retains its authority to control the delivery of all Alcoholic Beverages in Labrador Inuit Lands and the Inuit Communities in accordance with the *Liquor Control Act* (17.10.6).

FINAL AGREEMENT PROVISIONS

17.10.1 The Nunatsiavut Government may make laws respecting the issuance, suspension, cancellation, refusal and renewal of licences in Labrador Inuit Lands and the Inuit Communities in relation to the sale of Alcoholic Beverages:

- (a) by the owner, operator or manager of:
 - (i) a hotel or motel or a lounge in a part of the hotel or motel;
 - (ii) a lounge not part of a hotel or motel;
 - (iii) a restaurant;
 - (iv) a restaurant/lounge;
 - (v) a tavern;
 - (vi) a transportation service;
 - (vii) an institution;
 - (viii) a catering company;
 - (ix) a tour boat company;
 - (x) a recreational facility;
 - (xi) a club or military mess; or
 - (xii) an airport establishment;
- (b) by a brewer's agent; and
- (c) at special events.

17.10.3 A Person who is aggrieved by a decision of the Nunatsiavut Government pursuant to an Inuit Law under section 17.10.1 relating to the denial of an application for a licence, the suspension or cancellation of a licence, or a refusal or failure to renew a licence may appeal to the board of the Newfoundland and Labrador Liquor Corporation.

CROSS-REFERENCED AND RELATED PROVISIONS

Provincial Liquor Control Act

SUBJECT: Laws for the detention of intoxicated persons

OBLIGATION: Consultation on the detention of intoxicated persons
17.10.8

PARTIES: Nunatsiavut Government
Province - Department of Justice

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify the Province of intent to make Laws regarding the detention of intoxicated persons. Provide: a) sufficient details, including the matters listed in 17.10.8 of the Agreement; and b) reasonable time frame for response.	Nunatsiavut Government	As desired.
2	Review information as provided; prepare and submit views.	Province - Department of Justice	Within time frame established in Activity 1 (b).
3	Give full and fair consideration to views presented by the Province.	Nunatsiavut Government	Prior to enacting laws.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

In the absence of Inuit Law, Laws of General Application apply.

If there is a conflict between Inuit Laws and Laws of General Application, the Laws of General Application prevails to the extent of the Conflict (17.10.9)

FINAL AGREEMENT PROVISIONS

17.10.8 The Nunatsiavut Government may make laws in relation the detention of intoxicated persons. Prior to enacting any law under this section, the Nunatsiavut Government shall Consult the Province about:

- (b) the substance and implementation of such laws;
- (c) the coordination of such laws with Provincial Laws in relation to the detention of intoxicated

persons; and

- (d) the coordination of the implementation of such laws with the implementation of Provincial Laws in relation to the detention of intoxicated persons.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult"

SUBJECT: Environmental protection

OBLIGATION: Create Laws or enter into agreements regarding Environmental protection in Labrador Inuit Lands and the Inuit Communities 17.11.1 & 17.11.4

PARTIES: Nunatsiavut Government
Person

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Make laws in relation to the protection of the Environment in Labrador Inuit Lands and the Inuit Communities.	Nunatsiavut Government	As desired after the Effective Date.
2	Enter into agreements with any Person for the prevention of, preparedness for, response to and recovery from Environmental Emergencies occurring in Labrador Inuit Lands and the Inuit Communities.	Nunatsiavut Government Person	As desired after the Effective Date.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Person under this Activity Sheet includes governments.

For the purpose of this Activity Sheet, it is recommended that the Nunatsiavut Government enter into discussions with the Province of Newfoundland and Labrador, and relevant federal government representatives for the establishment of environmental emergencies agreements.

An Inuit Law under this Activity Sheet shall not apply to any undertaking in existence on the Effective Date (17.11.2).

If there is a Conflict between an Inuit Law under this Activity Sheet and a federal or Provincial Law, the federal or Provincial Law prevails to the extent of the Conflict (17.11.3).

FINAL AGREEMENT PROVISIONS

17.11.1 The Nunatsiavut Government may make laws in relation to the protection of the Environment in Labrador Inuit Lands and the Inuit Communities.

17.11.4 The Nunatsiavut Government may enter into agreements with any Person for the prevention of, preparedness for, response to and recovery from Environmental Emergencies occurring in Labrador Inuit Lands and the Inuit Communities.

Activity Sheet: 17-6

SUBJECT: Powers of the Nunatsiavut Government in Relation to Protective Intervention

OBLIGATION: Protective Intervention of non Inuit who are at risk in Labrador Inuit Lands or the Inuit Communities
17.15.8 & 17.15.9

PARTIES: Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify the Provincial Department of Health (Child, Youth and Family Services) of protective intervention taken because of risk to non Inuit.	Nunatsiavut Government	As soon as practicable after taking protective action.
2	Transfer the matter of protective intervention to the Province.	Nunatsiavut Government	As soon as practicable once protective action has been taken.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

It is anticipated that there will be an intergovernmental agreement regarding procedures on notification and transfer of protective intervention cases.

After the transfer of a matter to the Province, the authority of the Nunatsiavut Government shall cease with respect to the non Inuit at risk.

This Activity Sheet only applies if the Nunatsiavut Government has assumed jurisdiction for child protection (17.15.1 (g)).

In the absence of Inuit Law, Laws of General Application apply.

FINAL AGREEMENT PROVISIONS

17.15.8 If, in Labrador Inuit Lands or an Inuit Community, a child or other individual who is not an Inuk is in need of protective intervention because he or she is at risk of being physically, sexually or emotionally harmed, the Nunatsiavut Government may exercise the powers conferred by an Inuit Law under subsection 17.15.1(g) or section 17.15.5 to protect the child or individual, notwithstanding any other provision of the Agreement.

17.15.9 The Nunatsiavut Government shall, as soon as practicable, notify the Province of any action taken under section 17.15.8 and transfer the matter to the Province, at which time the authority of the Nunatsiavut Government shall cease with respect to the child or individual.

CROSS-REFERENCED AND RELATED PROVISIONS

17.15.1 (g) - Nunatsiavut Government Law making powers regarding the prevention of neglect and abuse.

17.15.5 - Nunatsiavut Government Law making powers regarding the prevention of neglect and abuse.

Provincial Child, Youth and Family Services Act

SUBJECT: Powers of the Nunatsiavut Government in Relation to Protective Intervention

OBLIGATION: Protective Intervention of Inuit who are at risk in Labrador Inuit Lands or the Inuit Communities
17.15.10, 17.15.11

PARTIES: Province - Department of Health (Child, Youth and Family Services)
- Department of Human Resources and Employment
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Determine if the Nunatsiavut Government has failed to protect an Inuk at risk, where it had received notice that the individual was in need of protective intervention.	Province - Department of Health (Child, Youth and Family Services)	Upon being informed that an Inuk is at risk.
2	Implement protective intervention measures.	Province - Department of Human Resources and Employment	As required in order to protect the person at risk.
3	Notify of actions taken and transfer matter over to the Nunatsiavut Government.	Province - Department of Human Resources and Employment	As soon as practicable after taking action.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

It is anticipated that there will be an intergovernmental agreement regarding procedures on notification and transfer of protective intervention cases.

After the transfer of a matter to the Nunatsiavut Government, the authority of the Province shall cease with respect to Inuit at risk.

This Activity Sheet only applies if the Nunatsiavut Government has assumed jurisdiction for child protection (17.15.1 (g)).

Except for a court acting under the *Divorce Act*, the factors listed in section 17.18.11 of the Agreement must be taken into consideration by any court in Newfoundland and Labrador which is required to determine the best interests of an Inuit child (17.18.11).

FINAL AGREEMENT PROVISIONS

17.15.10 If the Nunatsiavut Government has notice that an Inuit child or other Inuk in Labrador Inuit Lands or an Inuit Community is in need of protective intervention because he or she is at risk of being physically, sexually or emotionally harmed, and the Nunatsiavut Government fails to protect the Inuit child or other Inuk, the Province may exercise powers under Laws of General Application to protect the Inuit child or other Inuk, notwithstanding that an Inuit Law under subsection 17.15.1(g) or section 17.15.5 may apply to the Inuit child or other Inuk.

17.15.11 The Province shall, as soon as practicable, notify the Nunatsiavut Government of any action taken under section 17.15.10 and transfer the matter to the Nunatsiavut Government, at which time the authority of the Province shall cease with respect to the Inuit child or other Inuk.

CROSS-REFERENCED AND RELATED PROVISIONS

17.15.1 (g) - Nunatsiavut Government Law making powers regarding the prevention of neglect and abuse.

17.15.5 - Nunatsiavut Government Law making powers regarding the prevention of neglect and abuse.

Provincial Child, Youth and Family Services Act

Activity Sheet: 17-8

SUBJECT: Solemnization of Marriages**OBLIGATION:** Recognize marriages conducted under Inuit Laws
17.17.1 & 17.17.4**PARTIES:** Nunatsiavut Government
Individuals appointed by the Nunatsiavut Government
Province - Department of Government Services

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Appoint individuals to solemnize marriages under Inuit Laws.	Nunatsiavut Government	Upon enactment of Law regarding the solemnization of marriages.
2	Notify the Province of any marriages performed under Inuit Laws.	Individuals appointed by the Nunatsiavut	As soon as practicable.
3	Register the marriage performed under Inuit Law in the Provincial Registry of Vital Statistics.	Province - Department of Government Services	Upon receipt of notification.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

A marriage solemnized in accordance with an Inuit Law can be dissolved only by a decree of divorce issued under the *Divorce Act* or by an adjudication of nullity by a court of competent jurisdiction.

Individuals appointed by the Nunatsiavut Government to solemnize marriages shall be recognized by the Province as having authority to perform marriages under Provincial Law; and have all the rights, duties and responsibilities associated with that authority under Provincial Law (17.17.2).

FINAL AGREEMENT PROVISIONS

17.17.1 The Nunatsiavut Government may make laws in relation to the solemnization of marriages between Inuit, and between Inuit and individuals who are not Inuit:

- (a) in Labrador Inuit Lands and the Inuit Communities; and
- (b) subject to section 17.17.3, elsewhere in Newfoundland and Labrador.

17.17.4 Marriages solemnized in accordance with an Inuit Law shall be recognized by Canada and the Province in accordance with generally accepted principles respecting

the recognition of marriage, and Inuit Government shall recognize marriages solemnized in accordance with Laws other than Inuit Laws, on the same basis.

CROSS-REFERENCED AND RELATED PROVISIONS

Provincial Solemnization of Marriages Act
Provincial Divorce Act

LEGISLATIVE/REGULATORY AMENDMENTS

The Province will be required to amend the *Solemnization of Marriage Act* upon passage of Inuit Law under this Activity Sheet.

SUBJECT: Family Relationships

OBLIGATION: Determine best interests of an Inuit child
17.18.11 & 17.18.12

PARTIES: Province - Department of Health and Community Services (Child, Youth and Family Services Division)

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Determine the best interests of an Inuit child, by taking into account all relevant factors of 17.18.11 of the Agreement.	Province - Department of Health and Community Services (Child, Youth and Family Services Division)	When required by Law to determine the best interests of an Inuit child.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

This Activity Sheet applies to any Person required by law to determine the best interests of an Inuit child by Law (17.18.11).

Except for a court acting under the *Divorce Act*, the factors listed in section 17.18.11 of the Agreement must be taken into consideration by any court in Newfoundland and Labrador which is required to determine the best interests of an Inuit child (17.18.11).

During any court hearing in Newfoundland and Labrador in which the adoption, custody or guardianship of an Inuit child is in dispute, a representative of the Nunatsiavut Government may make representations and present evidence in respect of those Inuit Laws and customs that are relevant to the court’s determination of the issues and the best interests of the child (17.18.12).

FINAL AGREEMENT PROVISIONS

17.18.11 Where a Person or a court in Newfoundland and Labrador, other than a court acting under the *Divorce Act*, is required by Law to determine the best interests of a child and that child is an Inuit child, the Person or court, as appropriate in the context of the matter to be determined, shall consider all the relevant needs and circumstances of the child, including:

- (a) the child’s safety;
- (b) the child’s developmental needs;
- (c) the child’s cultural heritage;
- (d) where possible, the child’s views and wishes;
- (e) the importance of stability and continuity in the child’s care;

- (f) the continuity of the child's relationship with his or her family, including siblings or others with whom the child has a significant relationship;
- (g) the child's geographic and social environment;
- (h) the child's supports outside the family, including child care and the school environment;
- (i) the effect upon the child of a delay in the disposition of a judicial or other proceeding with respect to the child;
- (j) the child's Inuit heritage;
- (k) the importance of preserving the child's Inuit cultural identity;
- (l) the importance of maintaining the child's relationships with its extended Inuit family and with the Inuit community; and
- (m) any other matter relevant to the preservation and development of the child's heritage, culture and traditions that is properly before the Person or court.

17.18.12 During any court hearing in Newfoundland and Labrador in which the adoption, custody or guardianship of an Inuit child is in dispute, a representative of the Nunatsiavut Government may make representations and present evidence in respect of those Inuit Laws and customs that are relevant to the court's determination of the issues and the best interests of the child.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation 1.1.1 - "Person"

LEGISLATIVE/REGULATORY AMENDMENTS

Legislative amendments may be required to the Province's *Child, Youth and Family Services Act*.

Activity Sheet: 17-10

SUBJECT: Canada's International Legal Obligations

OBLIGATION: Consult Nunatsiavut Government before entering into an International Agreement
17.27.3

PARTIES: Canada - relevant federal Department
- Department of Foreign Affairs and International Trade
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Inform Nunatsiavut Government of intent to enter into International Agreement that may affect an Inuit right under the Agreement. Provide: a) sufficient details, and b) reasonable time frame for response.	Canada - relevant federal Department	Prior to consenting to be bound by an International Agreement.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government	As per time frame established in Activity 1 (b).
3	Give full and fair consideration to views presented by Nunatsiavut Government.	Canada - relevant federal Department	As soon as practicable upon receipt of views.
4	Enter into International Agreement.	Canada - Department of Foreign Affairs and International Trade Canada - relevant federal Department	As desired.

FINAL AGREEMENT PROVISIONS

17.27.3 Before consenting to be bound by an International Agreement that may affect a right under the Agreement of the Nunatsiavut Government, an Inuit Community Government or Inuit, Canada shall Consult the Nunatsiavut Government either directly or through a forum.

SUBJECT: Canada’s International Legal Obligations

OBLIGATION: Consult Nunatsiavut Government on positions before an international tribunal
17.27.4, 17.27.9, 17.27.10

PARTIES: Canada - Department of Foreign Affairs and International Trade
- Department of Justice
- relevant federal Department
Inuit Government (Nunatsiavut Government, Inuit Community Government)
International Tribunal

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify the Nunatsiavut Government of intent to develop a position for an international tribunal where an Inuit Law or Bylaw or other exercise of power by an Inuit Government has given rise to an issue concerning the performance of an international legal obligation. Provide: a) sufficient details, and b) reasonable time frame for response.	Canada - Department of Foreign Affairs and International Trade Canada - Department of Justice Canada - relevant federal Department	Prior to finalizing a position.
2	Review information as provided; prepare and submit views.	Nunatsiavut Government	As per time frame established in Activity 1 (b).
3	Give full and fair consideration to views presented by Nunatsiavut Government.	Canada - Department of Foreign Affairs and International Trade Canada - Department of Justice Canada - relevant federal Department	As soon as practicable upon receipt of views.
4	Finalize position and present to International Tribunal.	Canada - Department of Foreign Affairs and International Trade Canada - Department of Justice	As required.

		Canada - relevant federal Department	
5	Review position and present finding.	International Tribunal	As soon as practicable.
6	Request Inuit Government to remedy Law, Bylaw or any exercise of power.	Canada - Department of Foreign Affairs and International Trade Canada - Department of Justice Canada - relevant federal Department	Upon finding of an international tribunal that an Inuit Law, Bylaw or any exercise of power impeded Canada from the performance of an international legal obligation.
7	Notify the Nunatsiavut Government of intent to reach agreement for remedial measures to be implemented by an Inuit Government and the ways and means that Canada may employ to facilitate that remedial action. Provide: a) sufficient details, and b) reasonable time frame for response.	Canada - Department of Foreign Affairs and International Trade Canada - Department of Justice Canada - relevant federal Department	At the request of the Nunatsiavut Government.
8	Review information as provided; prepare and submit views.	Nunatsiavut Government	As per time frame established in Activity 7 (b).
9	Give full and fair consideration to views presented by Nunatsiavut Government.	Canada - Department of Foreign Affairs and International Trade Canada - Department of Justice Canada - relevant federal Department	As soon as practicable upon receipt of views.
10	Implement remedial measures.	Inuit Government	As agreed.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

While the Department of Foreign Affairs and International Trade and the Department of Justice will act as

lead Departments for Canada, other relevant federal Departments may be involved.

Canada's position on International Agreements shall take into consideration the Agreement (17.27.4).

FINAL AGREEMENT PROVISIONS

- 17.27.4 Canada shall Consult the Nunatsiavut Government in the development of positions taken by Canada before any international tribunal where an Inuit Law or Bylaw or other exercise of power by an Inuit Government has given rise to an issue concerning the performance of an international legal obligation of Canada. Canada's positions before the international tribunal shall take into account the Agreement.
- 17.27.9 Notwithstanding sections 17.27.6 to 17.27.8, if there is a finding by an international tribunal of non-performance by Canada of an international legal obligation attributable to an Inuit Law or Bylaw or other exercise of power by an Inuit Government, the Inuit Government, at the request of Canada, shall remedy the Inuit Law or Bylaw or other exercise of power to the extent necessary to enable Canada to perform such international legal obligation.
- 17.27.10 If an Inuit Government is required to provide remedial action under sections 17.27.5, 17.27.8 or 17.27.9, at the request of the Nunatsiavut Government, Canada shall Consult the Nunatsiavut Government for the purpose of reaching agreement about remedial measures to be executed by the Inuit Government to enable Canada to perform such international legal obligation and Consult the Nunatsiavut Government about the ways and means Canada may employ to facilitate such remedial action by the Inuit Government.
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CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1 - "Consult"

SUBJECT: Canada’s International Legal Obligations

OBLIGATION: Conflicts and remedial action over International Legal Obligations
17.27.5, 17.27.6, 17.27.8 & 17.27.10

PARTIES: Canada - Department of Foreign Affairs and International Trade
- Department of Justice
- relevant federal Department
Inuit Government (Nunatsiavut Government, Inuit Community Government)
Federal Court

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify the Nunatsiavut Government that an Inuit Law or Bylaw or any exercise of power by an Inuit Government causes Canada to be unable to perform one of its international legal obligations and request remedial action.	Canada - Department of Foreign Affairs and International Trade Canada - Department of Justice Canada - relevant federal Department	As desired upon discovery of possible conflicts with its international legal obligations.
2	Refer any disagreement to Federal Court for decision on whether or not an Inuit Law or Bylaw or any exercise of power by an Inuit Government causes Canada to be unable to perform one of its international legal obligations.	Nunatsiavut Government Canada - Department of Foreign Affairs and International Trade Canada - Department of Justice Canada - relevant federal Department	At any time after receipt of notification.
3	Make determination on whether or not an Inuit Law or Bylaw or any exercise of power causes Canada to be unable to perform one of its international legal obligations.	Federal Court	As soon as practicable.
4	Undertake measures to remedy Inuit Law or Bylaw or any exercise of power or request Consultation on	Inuit Government (Nunatsiavut Government, Inuit Community Government)	Once the Federal Court has ruled that Canada is unable to perform one of its international legal

	remedial measures.		obligations
5	Notify the Nunatsiavut Government of intent to reach agreement for remedial measures to be implemented by an Inuit Government and the ways and means that Canada may employ to facilitate that remedial action. Provide: a) sufficient details, and b) reasonable time frame for response.	Canada - Department of Foreign Affairs and International Trade Canada - Department of Justice Canada - relevant federal Department	At the request of the Nunatsiavut Government.
6	Review information as provided; prepare and submit views.	Nunatsiavut Government	As per time frame established in Activity 5 (b).
7	Give full and fair consideration to views presented by Nunatsiavut Government.	Canada - Department of Foreign Affairs and International Trade Canada - Department of Justice Canada - relevant federal Department	As soon as practicable upon receipt of views.
8	Implement remedial measures.	Inuit Government	As agreed.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

While the Department of Foreign Affairs and International Trade and the Department of Justice will act as lead Departments for Canada, other relevant federal Departments may be involved.

Any decision of the Federal Court is intended to be an agreement between Canada and the Nunatsiavut Government for the purposes of Section 17(3)(b) of the *Federal Court Act* (17.27.6).

If the Federal Court determines that the an Inuit Law or Bylaw or any exercise of power does not cause Canada to be unable to perform one of its international legal obligations, Canada shall not take further actions. (17.27.7)

FINAL AGREEMENT PROVISIONS

- 17.27.5 Canada shall provide notification to the Nunatsiavut Government where it considers that an Inuit Law or Bylaw or other exercise of power by an Inuit Government causes Canada to be unable to perform one of its international legal obligations. Subject to section 17.27.6, the Inuit Government shall remedy the Inuit Law or Bylaw or other exercise of power to the extent necessary to enable Canada to perform the international legal obligation.
- 17.27.6 Following notice provided under 17.27.5, if Canada and the Nunatsiavut Government disagree over whether the Inuit Law or Bylaw or other exercise of power by an Inuit Government causes Canada to be unable to perform such international legal obligation at any time after the receipt of the notification referred to in section 17.27.5, either Canada or the Nunatsiavut Government may refer the dispute to the Federal Court for resolution. This section is intended to be an agreement between Canada and the Nunatsiavut Government for purposes of section 17(3)(b) of the *Federal Court Act*.
- 17.27.8 If, under section 17.27.6, the Federal Court determines that the Inuit Law or Bylaw or other exercise of power by an Inuit Government causes Canada to be unable to perform such international legal obligation, the Inuit Government shall remedy the Inuit Law or Bylaw or other exercise of power by the Inuit Government to the extent necessary to enable Canada to perform such international legal obligation.
- 17.27.10 If an Inuit Government is required to provide remedial action under sections 17.27.5, 17.27.8 or 17.27.9, at the request of the Nunatsiavut Government, Canada shall Consult the Nunatsiavut Government for the purpose of reaching agreement about remedial measures to be executed by the Inuit Government to enable Canada to perform such international legal obligation and Consult the Nunatsiavut Government about the ways and means Canada may employ to facilitate such remedial action by the Inuit Government

CROSS-REFERENCED AND RELATED PROVISIONS

Section 17(3)(b) of the *Federal Court Act*

SUBJECT: Canada’s International Legal Obligations

OBLIGATION: Amending Agreement to reflect new approaches to international legal obligations
17.27.11

PARTIES Nunatsiavut Government
Province
Canada

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Notify Canada and the Province of desire to amend to amend Agreement to reflect new approach to international legal obligations in similar aboriginal treaties.	Nunatsiavut Government	As desired, within five years from the Effective Date.
2	Enter into negotiations for the purpose of amending the Agreement.	Nunatsiavut Government Canada Province	As soon as practicable.
3	Amend the Agreement to to reflect new approach.	Nunatsiavut Government Canada Province	As agreed.

FINAL AGREEMENT PROVISIONS

17.27.11 Within five years from the Effective Date, if Canada and an aboriginal group or organization enter into a treaty of a similar scope and nature as the Agreement and it includes provisions respecting international legal obligations that are different from those provided in this part, at the request of the Nunatsiavut Government, the Parties shall enter into negotiations for the purpose of amending the Agreement to reflect the new approach.

SUBJECT: Administration of Justice

OBLIGATION: Interim Agreements for the administration of justice
17.28.1

PARTIES: Nunatsiavut Government
Province - Department of Justice
Canada

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Request agreement with Canada and / or the Province for the matters listed in 17.28.1 of the Agreement.	Nunatsiavut Government	Prior to the Nunatsiavut Government making Laws for the administration of justice.
2	Enter into agreement for the administration of justice.	Nunatsiavut Government Province - Department of Justice Canada	As agreed.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

It is anticipated that there will be an agreement between the Nunatsiavut Government and Canada and /or the Province on the Effective Date for the administration of justice (17.28.1).

FINAL AGREEMENT PROVISIONS

17.28.1 Until the Nunatsiavut Government makes Laws for the administration of justice and establishes the necessary enforcement structures and a court in accordance with this chapter, the Nunatsiavut Government may enter into agreements with Canada or the Province, as the case may be, for:

- (a) the enforcement of Inuit Laws and Bylaws by federal or Provincial law enforcement agencies;
- (b) the prosecution of violations of Inuit Laws and Bylaws by federal or Provincial prosecutorial authorities in the appropriate courts of the Province;
- (c) the adjudication by appropriate courts in Newfoundland and Labrador of disputes and the judicial review of administrative decisions under Inuit Laws; and
- (d) the administration by the Province of sanctions imposed under Inuit Laws or Bylaws.

SUBJECT: Inuit Law Enforcement

OBLIGATION: Intergovernmental Policing Agreement
17.29.6

PARTIES: Nunatsiavut Government
Province
Canada

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Request negotiation with Canada and /or the Province for the purpose of reaching a sectoral intergovernmental agreement on jurisdiction over policing, and the enforcement of Laws of General Application, including criminal law.	Nunatsiavut Government	As desired.
2	Decide whether to negotiate with the Nunatsiavut Government for the purpose of reaching agreement and inform the Nunatsiavut Government.	Canada Province	Following consideration of request.
3	Implement agreement in accordance with negotiated terms and conditions.	Nunatsiavut Government Province Canada	As agreed, upon successful negotiation of agreement.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Nunatsiavut Government shall provide a procedure to deal with allegations of misconduct by officers appointed to enforce Inuit Laws (17.29.4).

FINAL AGREEMENT PROVISIONS

17.29.6 At the request of the Nunatsiavut Government, Canada and the Province may enter into negotiations with the Nunatsiavut Government for the purpose of reaching:

- (a) a sectoral intergovernmental agreement on jurisdiction over policing; and
- (b) an agreement to provide for the enforcement of Laws of General Application, including for greater certainty, the criminal law.

Activity Sheet: 17-16

SUBJECT: Inuit Court**OBLIGATION:** Approval of Court Structure and subsequent amendments by Lieutenant-Governor in Council
17.31.1, 17.31.2, 17.31.4 - 17.31.6**PARTIES:** Nunatsiavut Government
Province - Lieutenant-Governor in Council

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Make laws including amendments in relation to the establishment, constitution, organization and maintenance of a court for the administration of Inuit Laws and Bylaws, including the matters listed in 17.31.2.	Nunatsiavut Government	As desired.
2	Request approval of the Lieutenant-Governor in Council for the Inuit Court structures and the procedures and methods for the selection of judges.	Nunatsiavut Government	Prior to exercising their jurisdiction.
3	Review request and approve if in compliance with 17.31.2 of the Agreement.	Province - Lieutenant-Governor in Council	Upon receipt of request.
4	If not in compliance with 17.31.2 of the Agreement, notify Nunatsiavut Government and provide: a) sufficient details; and b) reasonable time frame for response.	Province - Lieutenant-Governor in Council	Upon decision that request is not in compliance with 17.31.2 of the Agreement.
5	Review information as provided; prepare and submit views.	Nunatsiavut Government	As per time frame identified in Activity 4 (b).
6	Give full and fair consideration to views	Province - Lieutenant-Governor in Council	As soon as practicable upon receipt of views.

	presented by Nunatsiavut Government.		
7	Approve request.	Province - Lieutenant-Governor in Council	If in compliance with 17.31.2 of the Agreement.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Nunatsiavut Government may make laws in relation to rules of court and reception of evidence to be applied by the Inuit Court in the exercise of its jurisdiction (17.31.3).

Only the Nunatsiavut Government may appoint judges to the Inuit Court (17.31.7).

The Lieutenant-Governor in Council may, with the agreement of the Nunatsiavut Government and in accordance with Provincial Laws of General Application, appoint a judge of the Inuit Court as a Provincial Court judge or as a justice of the peace (17.31.8).

The Nunatsiavut Government may, with the agreement of the Chief Judge of the Provincial Court and in accordance with Inuit Laws, appoint a Provincial Court judge as a judge of the Inuit Court (17.31.9).

FINAL AGREEMENT PROVISIONS

17.31.1 The Nunatsiavut Government may make laws in relation to the establishment, constitution, organization and maintenance of a court for the administration of Inuit Laws and Bylaws.

17.31.2 Inuit Laws under section 17.31.1 shall:

- (a) comply with and provide for principles of judicial independence, impartiality and fairness;
- (b) set out standards of judicial qualification and competence that have been agreed upon by the Nunatsiavut Government and the Province; and
- (c) provide a structure and process for the removal of judges from office for misbehaviour, neglect of duty or failure to perform judicial duties because of incapacity or inability, that are reasonably comparable to those prescribed by the *Provincial Court Act, 1991*.

17.31.4 The Inuit Court may not exercise its jurisdiction until the Lieutenant-Governor in Council has approved the Inuit Court structures and the procedures and method for the selection of judges of the Inuit Court.

17.31.5 No amendment to the structure of the Inuit Court or the procedures and method of selection of judges of the Inuit Court shall come into effect until approved by the Lieutenant-Governor in Council.

17.31.6 The Lieutenant-Governor in Council shall approve the structure of the Inuit Court and the procedures and method for the selection of judges of the Inuit Court or any amendment thereto, if the requirements of section 17.31.2 have been met, and shall, in any event, Consult the Nunatsiavut Government prior to withholding any approval under section 17.31.4 or 17.31.5.

CROSS-REFERENCED AND RELATED PROVISIONS

General Definitions and Interpretation - 1.1.1- “Consult”

SUBJECT: Inuit Court

OBLIGATION: Appointment of judges to the Inuit Court
17.31.7, 17.31.10 & 17.31.12

PARTIES: Nunatsiavut Government
Province - Lieutenant-Governor in Council
Judges appointed by the Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Appoint judges to Inuit Court.	Nunatsiavut Government	Upon completion of Activity Sheet 17-16.
2	Hear cases including violation of Inuit Laws and Bylaws and appeals of administrative decisions under Inuit Laws.	Judges appointed by the Nunatsiavut Government	As required.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Lieutenant-Governor in Council may, with the agreement of the Nunatsiavut Government and in accordance with Provincial Laws of General Application, appoint a judge of the Inuit Court as a Provincial Court judge or as a justice of the peace (17.31.8).

The Nunatsiavut Government may, with the agreement of the Chief Judge of the Provincial Court and in accordance with Inuit Laws, appoint a Provincial Court judge as a judge of the Inuit Court (17.31.9).

The Inuit Court shall not exercise jurisdiction over any matter that is within the exclusive jurisdiction of a superior court of the Province (17.31.11).

Canada or the Province may, with the consent of the Nunatsiavut Government, confer jurisdiction on the Inuit Court (17.31.13).

In the exercise of its jurisdiction under section 17.31.10, the Inuit Court may:

- (a) impose penalties for violations of Inuit Laws subject to sections 17.28.3 and 17.28.4 and impose penalties for violations of Bylaws subject to section 17.28.5;
- (b) make any order that could be issued by the Provincial Court had the matter arisen under Provincial Law; and
- (c) issue summonses, subpoenas, warrants and other judicial processes in aid of the enforcement of Inuit Laws and Bylaws, which processes shall have the same force in Newfoundland and Labrador as if issued by the Provincial Court (17.31.14).

An order or judgment of the Inuit Court under section 17.31.14 may be enforced in the same manner as if

it were an order or judgment issued by a court of comparable jurisdiction in the Province (17.31.15).

FINAL AGREEMENT PROVISIONS

17.31.7 Only the Nunatsiavut Government may appoint judges to the Inuit Court.

17.31.10 The Inuit Court has the jurisdiction to adjudicate violations of Inuit Laws and Bylaws and matters arising under Inuit Laws or Bylaws.

17.31.12 The Inuit Court may hear appeals of administrative decisions under Inuit Laws.

CROSS-REFERENCED AND RELATED PROVISIONS

17.28.3 - Inuit Law sanctions

17.28.4 - Terms of imprisonment and fines for Inuit Laws not to exceed the Criminal Code of Canada

17.28.5 - Inuit Bylaw sanctions not to exceed the sanctions imposed under the Municipalities Act, 1999

Activity Sheet: 17-18

SUBJECT: Collection of Fines

OBLIGATION: Payments of fines collected by the Province for violation of Inuit Laws or Inuit Bylaws
17.28.1 & 17.34.1

PARTIES: Province
Provincial Court

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Collect any fine for the violation of an Inuit Law of Bylaw.	Provincial Court	Subject to an agreement between the Province and the Nunatsiavut Government under 17.28.1 of the Agreement, as per Activity Sheet 17-14.
2	Pay fines collected to the relevant Inuit Government on a similar bases as the Province makes payment to Canada or municipalities for fines that may be collected by the Province on their behalf.	Province	As per the terms of the agreement reached in Activity Sheet 17-14.

FINAL AGREEMENT PROVISIONS

- 17.28.1 Until the Nunatsiavut Government makes Laws for the administration of justice and establishes the necessary enforcement structures and a court in accordance with this chapter, the Nunatsiavut Government may enter into agreements with Canada or the Province, as the case may be, for:
- (a) the enforcement of Inuit Laws and Bylaws by federal or Provincial law enforcement agencies;
 - (b) the prosecution of violations of Inuit Laws and Bylaws by federal or Provincial prosecutorial authorities in the appropriate courts of the Province;
 - (c) the adjudication by appropriate courts in Newfoundland and Labrador of disputes and the judicial review of administrative decisions under Inuit Laws; and
 - (d) the administration by the Province of sanctions imposed under Inuit Laws or Bylaws.
- 17.31.4 The Inuit Court may not exercise its jurisdiction until the Lieutenant-Governor in Council has approved the Inuit Court structures and the procedures and method for the

selection of judges of the Inuit Court.

LEGISLATIVE/REGULATORY AMENDMENTS

Provincial Court Act, 1991, will require revision to reflect any agreement under 17.28.1 of the Agreement.

Activity Sheet: 17-19

SUBJECT: Establishment of Inuit Community Governments

OBLIGATION: Election of first Inuit Community Governments and Establishment of Inuit Communities
17.38.1, 17.38.2, 17.40.17

PARTIES: Nunatsiavut Government / Labrador Inuit Association
Inuit Community Councillors
AngajukKak

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Initiate consultation with town councils of Inuit Communities regarding the transition to Inuit Community Governments.	Labrador Inuit Association / Nunatsiavut Government	As soon as practicable after ratification of the Agreement by the Inuit.
2	Conduct elections for first Inuit Community Governments.	Nunatsiavut Government	As per the Labrador Inuit Constitution.
3	Take relevant oath of office.	Inuit Community Councillors AngajukKak	Upon election under the Labrador Inuit Constitution.
4	Take office and conduct business including any necessary activities related to the dissolution of the previous Municipalities and assumption of their assets and liabilities.	Inuit Community Councillors AngajukKak	Upon taking the relevant oath of office.
5	Establish a system of financial administration based on generally accepted accounting principles.	Inuit Community Councillors AngajukKak	Upon taking the relevant oath of office.

6	Make laws respecting local and municipal matters listed in 17.41.1 and 17.41.3 of the Agreement.	Inuit Community Councillors AngajukKak	As desired.
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PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Upon request by the Labrador Inuit Association or the Nunatsiavut Government, the Provincial Department of Municipal and Provincial Affairs will assist with the planning process for the transition from town councils to the Inuit Community Governments.

All regulations and bylaws under the *Municipalities Act, 1999* in effect in the towns of Nain, Hopedale, Makkovik, Postville and Rigolet continue in effect in the corresponding Inuit Communities until replaced by a Bylaw (17.38.3).

Bylaws made by an Inuit Community Government apply only within the boundaries of that Inuit Community (17.38.4).

Elections for the first, and subsequent, Inuit Community Governments shall be held in all communities on the same day (17.40.4).

Each Inuit Community Government is responsible to the residents of the Inuit Community, including being financially accountable (17.40.17 (a)(b)).

The Inuit Community Governments may contract the Provincial Municipal Assessment Agency for assessment services in order to establish property taxes.

Centralized services, such as engineering and planning services offered to towns by the Province will continue to be offered to the Inuit Community Governments.

FINAL AGREEMENT PROVISIONS

17.38.1 The first Inuit Community Council and the first AngajukKak for each Inuit Community Government shall take office after the first election under the Labrador Inuit Constitution and upon taking their respective oaths of office.

17.38.2 Upon the Inuit Community Councils taking office pursuant to section 17.38.1:

- (a) the municipalities of Nain, Hopedale, Makkovik, Postville and Rigolet cease to be municipalities under the *Municipalities Act, 1999*; and
- (b) the assets and liabilities of each of the towns of Nain, Hopedale, Makkovik, Postville and Rigolet become the assets and liabilities of the corresponding Inuit Community Governments.

17.40.17 Each Inuit Community Government:...

- (c) shall establish a system of financial administration based on generally accepted accounting principles.

CROSS-REFERENCED AND RELATED PROVISIONS

Definition of “AngajukKak”
Labrador Inuit Constitution
Municipalities Act, 1999

LEGISLATIVE/REGULATORY AMENDMENTS

The Provincial *Municipalities Act, 1999* will no longer apply once the Community Governments are established.

A legislative amendment will be required consisting of a “notwithstanding clause” to be included in the enabling Legislation, exempting the Province of Sections 3.1 (d) and 9 of the *Municipalities Act, 1999* which obligates public hearing and preparation of a feasibility report prior to disincorporation or incorporation of a town.

SUBJECT: Inuit Communities

OBLIGATION: Obtain consent for expansion of Inuit Community boundaries
17.39.2

PARTIES: Inuit Community Government
Nunatsiavut Government
Province
Canada

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Request consent of: a) the Nunatsiavut Government, for Labrador Inuit Lands; b) the Province; for Provincial Crown Lands; or c) Canada, for lands under the administration and control of Canada to expand Inuit Community boundaries.	Inuit Community Governments	Upon decision to expand Inuit Community Government boundaries to adjacent lands
2	Review request and respond to Inuit Community Government.	Nunatsiavut Government - or - Province - or - Canada	As soon as practicable upon receipt of request.
3	Amend Agreement to reflect expansion of Inuit Community boundaries including Maps in Schedule 17 (a) - (e).	Nunatsiavut Government Province Canada	Upon obtaining consent of relevant Party.

FINAL AGREEMENT PROVISIONS

17.39.2 The boundaries of an Inuit Community may be expanded to adjacent lands at the request of the Inuit Community Government with the consent of:

- (a) the Nunatsiavut Government, for Labrador Inuit Lands;
- (b) the Province, for Provincial Crown Lands; or

(c) Canada, for lands under the administration and control of Canada.

CROSS-REFERENCED AND RELATED PROVISIONS

Schedule 17 (a) - (e) “Maps of Community Boundaries”

SUBJECT: Inuit Communities

OBLIGATION: Transfer of land within Inuit Communities
17.42.1 & 17.42.3

PARTIES: Province - Department of Government Services and Lands

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Transfer by Order in Council to each Inuit Community Government freehold title to all Provincial Crown Land within the boundaries of each Inuit Community.	Province - Department of Government Services and Lands	On the date of the establishment of each Inuit Community Government.
2	Record land transfer in the Registry of Deeds without charge or fee.	Province - Department of Government Services and Lands	Upon the transfer of Provincial Crown Land.
3	Assign rights and obligations under the Surface Interest to the Inuit Community Government.	Province - Department of Government Services and Lands	As soon as practicable when land transferred is subject to a Surface Interest.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The land transfer to Inuit Communities does not include a conveyance of Subsurface Resources, Carving Stone, Provincial Crown Land required by the Province, or Provincial Crown Land upon which there is an existing building held by a public utility (17.42.2).

Lands transferred do not become Labrador Inuit Lands (17.42.2).

Any Surface Interest transferred continues in accordance with its terms and conditions, and vests fully in the Inuit Community Government upon its expiration if the Surface Interest holder chooses not to renew (17.42.4).

FINAL AGREEMENT PROVISIONS

17.42.1 The Province shall transfer to each Inuit Community Government, at the date of the establishment of each Inuit Community Government, freehold title to all Provincial Crown Land within the boundaries of each Inuit Community. A transfer under this section shall be by order in council and shall be recorded in the Registry of Deeds without charge or fee.

17.42.3 Where Provincial Crown Land conveyed to an Inuit Community Government under section 17.42.1 is subject to a Surface Interest, including a public utility easement, the Province shall assign its rights and

obligations under the Surface Interest to the Inuit Community Government.

SUBJECT: Inuit Communities

OBLIGATION: Renewals or extensions of a Surface Interest in existence upon establishment of the Inuit Community Governments 17.42.6 to 17.42.8

PARTIES: Inuit Community Government
Surface Interest Holder

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Apply to Inuit Community Government for renewal or extension of Surface Interest.	Surface Interest Holder	Prior to the expiry of the Surface Interest.
2	Review application for renewal or extension.	Inuit Community Government	Upon receipt of application.
3	Renew or extend Surface Interest, including any reasonable additional terms and conditions.	Inuit Community Government	If the interest holder has satisfied the terms and conditions of the lease, licence, or permit.
4	Refer any Dispute, other than disagreement involving public utility easements, for resolution under Chapter 21 of the Agreement.	Inuit Community Government - or - Surface Interest Holder	As desired.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

Surface Interest holders have a right to apply for a renewal or extension of the interest under the terms and conditions of the lease, licence, permit or Legislation under which the interest was held immediately prior to the transfer to Inuit Communities or if the term of the Surface Interest immediately prior to the transfer to the Inuit Communities is five years or more (17.42.5).

Any legally existing use of land existing when the Land Use Plan (or a subsequent amendment) comes into effect, may continue even if it is not in conformance with the Plan (10.8.1). If the non-conforming use ceases for a continuous period of 12 months, it loses its status as a permitted non-conforming use (10.8.2).

FINAL AGREEMENT PROVISIONS

17.42.6 The Inuit Community Government shall renew or extend a Surface Interest referred to in section 17.42.3 if the interest holder has satisfied the terms and conditions of the lease, licence, or permit.

- 17.42.7 Except as otherwise provided in section 17.43.2, the Inuit Community Government may, at its discretion, impose additional terms and conditions upon the renewal or extension of a Surface Interest referred to in section 17.42.3, including the imposition of fees, charges, rents or royalties, but the additional terms or conditions shall be reasonable.
- 17.42.8 If there is a Dispute between the holder of a Surface Interest, other than a disagreement referred to in section 17.43.3, and an Inuit Community in connection with the renewal or extension of a Surface Interest referred to in section 17.42.5, the Dispute shall be resolved under chapter 21.
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CROSS-REFERENCED AND RELATED PROVISIONS

Chapter 21 - Dispute Resolution

SUBJECT: Inuit Communities

OBLIGATION: Issue or renew of public utility easements by the Inuit Community Governments
17.43.2 & 17.43.3

PARTIES: Inuit Community Government
Public utility
Province - Board of Commissioners of Public Utilities

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Apply to Inuit Community Government for issuance, review, renewal or extension of public utility easement.	Public utility	As desired prior to establishment of new easement or prior to the expiry of an existing easement.
2	Review application for issuance, review, renewal or extension.	Inuit Community Government	Upon receipt of application.
3	Include same terms and conditions as those imposed by the Province in communities of similar size and circumstance.	Inuit Community Government	Upon decision to approve or renew application.
4	Refer any disagreement for resolution to the Board of Commissioners of Public Utilities.	Inuit Community Government - or - Public utility	As desired.

PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS

The Inuit Community Government has the exclusive authority (subject to 17.43.2) to issue public utility easements on Community Lands (17.43.1).

The Laws of General Application apply to entry and access to Labrador Inuit Lands in the Inuit Communities (17.43.4).

Any legally existing use of land existing when the Land Use Plan (or a subsequent amendment) comes into effect, may continue even if it is not in conformance with the Plan (10.8.1). If the non-conforming use ceases for a continuous period of 12 months, it loses its status as a permitted non-conforming use (10.8.2).

FINAL AGREEMENT PROVISIONS

- 17.43.2 The terms and conditions, including fees, charges and rents, imposed by the Inuit Community Government upon the issuance, review, renewal or extension of public utility easements referred to in sections 17.42.3 and 17.43.1 shall be the same as the terms and conditions imposed by the Province for easements held by public utilities in communities of similar size and circumstance in Newfoundland and Labrador.
- 17.43.3 If there is a disagreement between a public utility and an Inuit Community Government arising under this part in connection with the issuance, review, renewal or extension of an easement, the disagreement shall not be referred to arbitration under chapter 21 but shall be resolved by the Board of Commissioners of Public Utilities.
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CROSS-REFERENCED AND RELATED PROVISIONS

Land and Non Renewable Resources 4.15 - “Access to Labrador Inuit Lands”