

**SUBJECT:** Nunatsiavut Government responsibilities for enrolment

**OBLIGATION:** Coordinate enrolment procedures  
3.2.1 - 3.2.3

**PARTIES:** Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Prepare and make any laws, policies and procedures for enrolment.	Nunatsiavut Government	As desired, before delegating any responsibilities for enrolment.
2	Determine what functions will be delegated to Committees and advise them of same.	Nunatsiavut Government	Recommended within one month of Effective Date, after determining laws, policies and procedures for enrolment.
3	Prepare and provide information, in English and in Inuktitut, for Committees on conducting enrolment.	Nunatsiavut Government	As soon as practicable after the Effective Date.
4	Publish, in English and in Inuktitut, the enrolment Criteria, procedures and time frames.	Nunatsiavut Government	As soon as practicable after the Effective Date.
5	Refer applications to the appropriate Committee.	Nunatsiavut Government	Upon receipt of application for enrolment by the Nunatsiavut Government or those sent to an inappropriate Committee.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

For the purpose of this Activity Sheet, the term “Committee” means the initial Enrolment Committees or subsequent Membership Committees.

The Enrolment Committees are established in Activity Sheet 3-2.

The subsequent Membership Committees are established in Activity Sheet 3-11.

For the purpose of the initial enrolment period, it is recommended that the Nunatsiavut Government should make laws, develop policies and procedures and delegate responsibilities to the Enrolment Committees within one month of Effective Date.

In the absence of any Inuit laws with respect to enrolment, the Nunatsiavut Government may make policies and procedures and delegate responsibilities consistent with the Enrolment Chapter of the Agreement.

The Nunatsiavut Government shall carry out other duties and functions as required (3.2.2 (d)).

The Nunatsiavut Government has the responsibility for redirecting applications to the proper Committee that are sent directly to the Nunatsiavut Government or to an inappropriate Committee (3.2.2 (c)).

All Committee proceeding and written records shall be in English and in Inuktitut (3.11.5).

**FINAL AGREEMENT PROVISIONS**

- 3.2.1 The Nunatsiavut Government is generally responsible for coordinating the enrolment procedures set out in this chapter and, for that purpose, may make laws that are not inconsistent with this chapter.
- 3.2.2 The Nunatsiavut Government shall, without limitation:
  - (a) publish, in English and Inuktitut, the Criteria and the enrolment procedures and time limitations established under this chapter;
  - (b) prepare and provide information in English and Inuktitut that is needed by the Committees to conduct the initial and the ongoing enrolment of Beneficiaries;
  - (c) redirect applications for enrolment submitted directly to it, or made to an inappropriate Committee, to the appropriate Committee; and
  - (d) carry out other appropriate duties and functions.
- 3.2.3 The Nunatsiavut Government may delegate responsibility for the administration of Inuit Laws under section 3.2.1 to the Committees.

**CROSS-REFERENCED AND RELATED PROVISIONS**

- 3.1.1 - “Criteria”  
Self-Government - 17.6.1 - Nunatsiavut Government delegation of power.

**COMMUNICATION ACTIVITIES**

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Publish notice of the enrolment Criteria, procedures and time frames.	Nunatsiavut Government	As applicable to any established time limitations.

**SUBJECT:** Enrolment Committees

**OBLIGATION:** Establish Enrolment Committees  
3.4.1 - 3.4.5

**PARTIES:** Nunatsiavut Government  
Canada  
Province (Department of Labrador and Aboriginal Affairs)

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Appoint 3 to 6 members to each Regional Enrolment Committee with at least one who is connected to the Region and who is a Permanent Resident outside of the Labrador Inuit Settlement Area.	Nunatsiavut Government	On the Effective Date.
2	Determine whether or not to appoint an observer to each Enrolment Committee.	Canada Province	Recommended three months prior to Effective Date.
3	Refer name(s) of Provincial nominee for Provincial Cabinet approval.	Province	Recommended two months prior to Effective Date.
4	Appoint one individual to observe the proceedings of each Enrolment Committee and notify Nunatsiavut Government.	Canada Province	On Effective Date, following decision to appoint an observer.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

"Region" means one of the following Inuit land use regions within the Labrador Inuit Land Claims Area:

1. Nain and north of Nain;
2. Hopedale;
3. Makkovik and Postville; and
4. Rigolet and Lake Melville

It is recommended that the Nunatsiavut Government commence the nomination process 6 month prior to Effective Date.

All members of each Enrolment Committees appointed by the Nunatsiavut Government shall be Inuit or Kablunângajuit (3.4.3).

The Province (Department of Labrador and Aboriginal Affairs) and the federal Minister may each appoint one individual to each of the Enrolment Committees as an observer and each observer:

- (a) shall receive written notice of all meetings of the Enrolment Committee;
- (b) shall have access to all records pertaining to Enrolment Committee proceedings or decisions; and
- (c) may attend all meetings and observe all proceedings of the Enrolment Committee, but shall not be a member of the Enrolment Committees for any purpose and shall not participate in the proceedings or decisions of the Enrolment Committees (3.4.5, 3.4.6).

All Enrolment Committee proceedings and records shall be English and Inuktitut (3.11.5).

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### ***FINAL AGREEMENT PROVISIONS***

3.4.1 The Nunatsiavut Government shall establish an enrolment committee for each Region on Effective Date.

3.4.2 Each Enrolment Committee must consist of at least three and no more than six members appointed by the Nunatsiavut Government.

3.4.3 All members of each Enrolment Committee shall be Inuit or Kablunângajuit.

3.4.4 At least one member of each Region's Enrolment Committee must be an Inuk or Kablunângajuk from that Region who is a Permanent Resident outside the Labrador Inuit Settlement Area.

3.4.5 The Province and the federal Minister may each appoint one individual to each of the Enrolment Committees as an observer and each observer:

- (a) must be given written notice of all meetings of the Enrolment Committee;
- (b) must be given access to all records pertaining to proceedings and decisions of the Enrolment Committee; and
- (c) may attend all meetings and observe all proceedings of the Enrolment Committee.

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### ***CROSS-REFERENCED AND RELATED PROVISIONS***

General Definitions and Interpretation - 1.1.1 - "Inuit", "Inuk"

3.1.1 "Kablunângajuit", "Kablunângajuk"

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### ***BUDGET AND FUNDING RESPONSIBILITIES***

The Nunatsiavut Government shall be responsible for the costs associated with the Enrolment Committees including any administrative costs.

Canada and the Province shall be responsible for costs associated with their participation, as observers, to the Committees.

**SUBJECT:** Enrolment Committees

**OBLIGATION:** Enrolment Application Procedures  
3.4.7, 3.4.8, 3.11.1, 3.11.4, 3.11.6 - 3.11.8, 3.11.10, 3.11.12, 3.14.3

**PARTIES:** Potential Beneficiary  
Minor reaching age of majority  
Parent or guardian  
Enrolment Committees

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Submit application to appropriate Enrolment Committee with supporting documentation to be enrolled as a Beneficiary.	Potential Beneficiary who is not already on the Official Voters List for Ratification of the Agreement  Minor reaching the age of majority  Parent or guardian	Recommended within 30 clear days of Effective Date.
2	Review the application and decide whether or not an individual is entitled to be enrolled on the Register according to the criteria in Part 3.3 of the Agreement.	Enrolment Committee	Recommended within 30 clear days of receipt of application.
3	Notify applicant of preliminary decision in writing, and if that preliminary decision is negative, offer applicant opportunity to make additional representation to the Committee.	Enrolment Committee	Upon making a decision.
4	If desired: a) submit further written information; or b) request a date to make a verbal representation to the Enrolment Committee along with any request for two or more individuals to give	Applicant who was not accepted for enrolment in Activity 3.	Within 30 clear days of receipt of notification in Activity 3.

	evidence together regarding Inuit customs and traditions.		
5	Set a date, including any arrangements for two or more individuals to give evidence together regarding Inuit customs and traditions.	Enrolment Committee	As soon as practicable in order to hear the verbal representation no later than 60 clear days from receiving a request in Activity 4 (b).
6	Hear verbal representation from potential beneficiary who was denied entitlement in Activity 3.	Enrolment Committee	No later than 60 clear days from receiving a request for verbal representation.
7	Make final decision and give written reasons and notification to applicant of rights to appeal decision to the Enrolment Appeal Commission.	Enrolment Committee	<p>a) within 60 clear days of considering written representation submitted in Activity 4 (a);</p> <p>b) within 60 clear days of considering verbal representation in Activity 6; or</p> <p>c) if no further representation is received from applicant, within 60 clear days of the preliminary decision made in Activity 2.</p>
8	Prepare and publish Preliminary List of individuals eligible to be enrolled on the Register and forward a copy of this Preliminary List to the Nunatsiavut Government.	Enrolment Committee	Prior to 180 clear days after the Effective Date.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

It is recommended that application forms and processes used by the Ratification Committee for the development of the official voters list be considered for usage in this enrolment as a Beneficiary process.

Anyone enumerated on the Official Voters List will be considered for enrolment as a Beneficiary and does not have to supply any further information unless asked to do so (3.11.2).

The Preliminary List will include persons from that Region or connected to that Region on the Official Voters List, as well as successful applicants following Activities 1 to 7.

The parent or guardian of a minor or of some other person under a legal disability may act on that individual's behalf for purposes of this chapter (3.11.3).

An individual is deemed to have received, in Activity 3, a request from a Committee seven clear days from the date on which the request is made (3.11.9).

The Committee is not bound by strict rules of evidence in making a decision (3.14.1).

No action or proceeding may be brought against a Party, the Committee or a member or observer of the Committee in respect of anything done or omitted to be done by any one or more of them in the exercise or performance of any duties or functions under the Enrolment and Eligibility chapter (3.14.4).

All proceeding and written records of the Committee shall be in English and Inuktitut (3.11.5).

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### ***FINAL AGREEMENT PROVISIONS***

3.4.7 Each Enrolment Committee shall:

- (a) consider all applications for enrolment properly before it;
- (b) decide if each applicant for enrolment is entitled to be enrolled on the Register; and
- (c) make a preliminary list of people who are Permanent Residents of, or who are connected to, its Region who are entitled to be enrolled on the Register.

3.4.8 Before the expiry of 180 clear days from the Effective Date each Enrolment Committee shall:

- (a) complete its determination as to which individuals are entitled to be Beneficiaries under part 3.3;
- (b) deliver the Preliminary List to the Nunatsiavut Government; and
- (c) publish the Preliminary List.

3.11.1 Anyone who wishes to enrol as a Beneficiary must apply to the appropriate Committee and provide all necessary information in support of his or her application.

3.11.4 Anyone who was enrolled on the Register as a minor must reapply for enrolment on the Register upon reaching the age of majority and must meet the Criteria for enrolment at that time.

3.11.6 If a Committee makes a preliminary decision that an individual:

- (a) is not entitled to be enrolled on the Register under part 3.3; or
- (b) should have his or her name removed from the Register under section 3.8.2,

then, before the Committee makes a final decision, it shall, by written request, ask the individual to make verbal or written representations to the Committee explaining why he or she should be enrolled on, or should not have his or her name removed from, the Register.

3.11.7 Anyone who receives a request referred to in section 3.11.6 has 30 clear days from receipt of the

- request to make written representations to the Committee or to request a date to make verbal representations to the Committee. A Committee may extend the time referred to in this section.
- 3.11.8 A Committee must set a date to hear verbal representations no later than 60 clear days from receiving a request.
- 3.11.10 A Committee must:
- (a) make a decision on a matter referred to in section 3.11.6;
  - (b) give the reasons for its decision in writing;
  - (c) give a copy of the reasons to the individual affected by the decision; and
  - (d) notify that individual in writing of his or her right to appeal the Committee's decision and of the body to which the appeal must be made.
- 3.11.12 If a Committee does not make a decision referred to in subsection 3.11.10(a) within 60 clear days from the date on which it makes a preliminary decision referred to in section 3.11.6 or received representations under section 3.11.7, whichever is the later, the affected individual may apply to the Commission or the Board, as appropriate, to make the decision.
- 3.14.3 If, in any proceeding before a Committee, the Commission or the Board, evidence is to be given about Inuit customs and traditions the Committee, Commission or Board must, if requested, make arrangements so that two or more individuals can give the evidence together.

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### ***CROSS-REFERENCED AND RELATED PROVISIONS***

Ratification of the Agreement - 3.4 - Enumeration

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### ***BUDGET AND FUNDING RESPONSIBILITIES***

The Nunatsiavut Government shall be responsible for the costs associated with the Enrolment Committees including any administrative costs.

Canada and the Province shall be responsible for costs associated with their participation, as observers, to the Committees.

**SUBJECT:** Enrolment Appeal Commission

**OBLIGATION:** Establish Enrolment Appeal Commission  
3.5.1, 3.5.2, 3.5.4, 3.5.5

**PARTIES:** Nunatsiavut Government  
Province - Minister responsible for Aboriginal Affairs  
Canada - Minister of Indian Affairs and Northern Development  
Enrolment Appeal Commission

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Appoint one Commissioner from each Region and one Commissioner from outside Labrador Inuit Settlement Area.	Nunatsiavut Government	On Effective Date.
2	Refer name of Provincial nominee to Provincial Cabinet for authorization.	Province - Minister responsible for Aboriginal Affairs	Recommended two months prior to Effective Date.
3	Appoint one Commissioner each.	Canada - Minister of Indian Affairs and Northern Development  Province - Minister responsible for Aboriginal Affairs	On Effective Date.
4	Call initial meeting to: a) appoint a chairperson; and b) establish rules for conducting proceedings.	Enrolment Appeal Commission	As soon as practicable following appointments.
5	Appoint new Commissioner upon vacancy.	Original appointing government	Promptly appoint upon vacancy.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

The Nunatsiavut Government appointments to the Commission shall be Inuk or Kablunângajuk (3.5.2 (a), 3.5.2 (b)).

No member of the Nunatsiavut Government and no Committee member may be appointed as a Commissioner of the Commission (3.5.3).

"Region" means one of the following Inuit land use regions within the Labrador Inuit Land Claims Area:

5. Nain and north of Nain;
6. Hopedale;
7. Makkovik and Postville; and
8. Rigolet and Lake Melville

Commissioners appointed by the Province and the Minister of Indian Affairs and Northern Development are entitled to participate fully in all hearings and decisions of the Commission however, they shall not participate in hearings or decisions as to the existence, content or application of Inuit customs and traditions, but may observe all such hearings and the making of all such decisions (3.5.6 & 3.5.7).

The Commissioners appointed by the Nunatsiavut Government shall have full and exclusive jurisdiction to hear and decide all matters respecting the existence, content or application of Inuit customs and traditions for all appeals, matters and applications (3.5.8).

The Commission as a whole shall have full and exclusive jurisdiction to hear and decide all other matters which may be raised in an appeal, matter or application (3.5.8).

All proceedings and written records of the Commission shall be in English and Inuktitut (3.11.5).

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### ***FINAL AGREEMENT PROVISIONS***

3.5.1 On the Effective Date an enrolment appeal commission shall be established to hear and determine:

- (a) all appeals referred to in section 3.5.14;
- (b) all matters referred back to it by the Federal Court; and
- (c) applications referred to in section 3.11.12.

3.5.2 The Commission must consist of seven commissioners appointed as follows:

- (a) one Inuk or Kablunângajuk from each Region appointed by the Nunatsiavut Government;
- (b) one Inuk or Kablunângajuk from outside the Labrador Inuit Settlement Area appointed by the Nunatsiavut Government;
- (c) one appointed by the Province; and
- (d) one appointed by the Minister of Indian Affairs and Northern Development.

3.5.4 A Commissioner holds office until the Commission is dissolved or until the Commissioner resigns, dies or is removed for cause by the Government that appointed the Commissioner. A vacancy shall be filled promptly by the Government that appointed the Commissioner.

3.5.5 The Commissioners shall select a chairperson from among their number.

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### ***CROSS-REFERENCED AND RELATED PROVISIONS***

General Definitions and Interpretation - 1.1.1 - “Inuk”  
3.1.1 “Kablunângajuk”

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***BUDGET AND FUNDING RESPONSIBILITIES***

See Annex D for Budget

**SUBJECT:** Enrolment Appeal Commission

**OBLIGATION:** Hear and conduct appeals based on a final decision of Enrolment Committee  
3.5.1 (a), 3.5.9, 3.5.10, 3.5.14 - 3.5.16, 3.14.3

**PARTIES:** Applicant for enrolment (Appellant)  
Enrolment Appeal Commission

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	File appeal in writing to the Enrolment Appeal Commission along with any request for two or more individuals to give evidence together regarding Inuit customs and traditions.	Appellant	Within 30 clear days of receiving final decision of the Enrolment Committee giving written reasons for denial of eligibility.
2	Determine if appeal has been made within the 30 clear days limitation period, and notify Appellant.	Enrolment Appeal Commission	As soon as practicable after receiving appeal.
3	Arrange for two or more individuals to give evidence together regarding Inuit customs and traditions.	Enrolment Appeal Commission	Upon request of the Appellant.
4	Hear the appeal in the form of a re-hearing.	Enrolment Appeal Commission	As soon as practicable after receiving the appeal.
5	Make a decision and inform Appellant giving written reasons and notify the Nunatsiavut Government in writing.	Enrolment Appeal Commission	If possible, within 12 months of Effective Date.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

The Commissioners appointed by the Nunatsiavut Government have the exclusive jurisdiction to hear and decide all matters respecting the existence, content or application of Inuit customs and traditions that relate to appeals, matters and applications before the Commission and the Commission as a whole has the exclusive jurisdiction to hear and decide all other matters that may be raised in an appeal, matter or application before the Commission under (3.5.8).

The Commission may establish rules for conducting its proceedings consistent with the Agreement (3.5.11).

The Commission may extend the time referred in Activity 1 (3.5.11).

Appeals can be dismissed on procedural grounds (in Activity 2) if the application is not submitted within the 30 clear day appeal period (3.5.16).

A parent or a guardian of a minor or person who is legally disabled may initiate the appeal on behalf of this individual (3.11.3).

The Commission is not bound by strict rules of evidence in making a decision (3.14.1).

In any proceeding before a Committee, the Commission or the Board, evidence about the existence or content of Inuit customs and traditions is admissible in the proceeding if the individual giving the evidence has special knowledge or experience of Inuit customs and traditions even though the evidence may be hearsay or opinion (3.14.2).

If, in any proceeding before a Committee, the Commission or the Board, evidence is to be given about Inuit customs and traditions the Committee, Commission or Board must, if requested, make arrangements so that two or more individuals can give the evidence together (3.14.3).

No action or proceeding may be brought against a Party, the Commission or a member of the Commission in respect of anything done or omitted to be done by any one or more of them in the exercise or performance of any duties or functions under the Enrolment and Eligibility chapter (3.14.4).

Any appeals referred back by the Federal Court of Canada shall proceed according to any direction provided.

All proceedings and written records shall be in English and Inuktitut (3.11.5).

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### ***FINAL AGREEMENT PROVISIONS***

3.5.1 On the Effective Date an enrolment appeal commission shall be established to hear and determine:

(a) all appeals referred to in section 3.5.14;...

3.5.9 Upon determining an appeal the Commission shall give the reasons, in writing, for its decision to the Appellant and written notice of its decision to the Nunatsiavut Government.

3.5.10 The Commission must make best efforts to hear and determine all appeals referred to in section 3.5.14 within one year of the Effective Date.

3.5.14 Anyone whose enrolment as a Beneficiary is directly affected by a final decision of an Enrolment Committee may appeal that decision to the Commission in accordance with this part.

3.5.15 An appeal shall proceed as a re-hearing at which the Appellant may introduce additional evidence.

3.5.16 An appeal must be made within 30 clear days from the date on which the Appellant received the written reasons referred to in subsection 3.11.10(c). An appeal must be made by filing a written notice of

appeal with the Commission.

- 3.14.3 If, in any proceeding before a Committee, the Commission or the Board, evidence is to be given about Inuit customs and traditions the Committee, Commission or Board must, if requested, make arrangements so that two or more individuals can give the evidence together.

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***BUDGET AND FUNDING RESPONSIBILITIES***

See Annex D for Budget

**SUBJECT:** Enrolment Appeal Commission

**OBLIGATION:** Conduct hearing for application on which the Enrolment Committee did not render a decision in the required time frame  
3.5.9, 3.5.10, 3.5.15, 3.11.12, 3.14.3

**PARTIES:** Applicant for enrolment (Appellant)  
Enrolment Appeal Commission

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Write the Enrolment Appeal Commission to request a decision on an application if the Enrolment Committee did not make a final decision in the required time. Include any request for two or more individuals to give evidence together regarding Inuit customs and traditions.	Applicant for enrolment	As desired: a) if <u>no</u> further representation is submitted by the applicant and if no final decision is made within 60 clear days of making the preliminary decision at Activity 3 of Activity Sheet 3-3, or;  b) if further representation is submitted by applicant and if no final decision is made within 60 clear days of receiving written representation or hearing oral representation under Activity 4 of Activity Sheet 3-3.
2	Set a date including any arrangements for two or more individuals to give evidence together regarding Inuit customs and traditions.	Enrolment Appeal Commission	Upon request by applicant.
3	Hear the case in the form of a re-hearing at which the applicant may introduce additional evidence.	Enrolment Appeal Commission	As soon as practicable.
4	Make a decision and inform applicant giving written reasons and notify the Nunatsiavut Government in writing.	Enrolment Appeal Commission	If possible, within 12 months of Effective Date.

**PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS**

The Commissioners appointed by the Province and the Minister of Indian Affairs and Northern Development may not participate in hearings or decisions about the existence, content or application of Inuit customs and traditions but may observe all such hearings and the making of all such decisions (3.5.7).

The Commissioners appointed by the Nunatsiavut Government have the exclusive jurisdiction to hear and decide all matters respecting the existence, content or application of Inuit customs and traditions that relate to appeals, matters and applications before the Commission. The Commission as a whole has the exclusive jurisdiction to hear and decide all other matters that may be raised in an appeal, matter or application before the Commission (3.5.8).

The Commission may establish rules for conducting its proceedings consistent with the Agreement (3.5.11).

The parent or guardian of someone under a legal disability may act on that individual's behalf for purposes of this Chapter (3.11.3).

The Commission is not bound by strict rules of evidence in making a decision (3.14.1).

In any proceeding before a Committee, the Commission or the Board, evidence about the existence or content of Inuit customs and traditions is admissible in the proceeding if the individual giving the evidence has special knowledge or experience of Inuit customs and traditions even though the evidence may be hearsay or opinion (3.14.2).

No action or proceeding may be brought against a Party, the Commission or a member of the Commission in respect of anything done or omitted to be done by any one or more of them in the exercise or performance of any duties or functions under the Enrolment and Eligibility chapter (3.14.4).

All proceedings and written records of the Commission shall be in English and Inuktitut (3.11.5).

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### ***FINAL AGREEMENT PROVISIONS***

- 3.5.9 Upon determining an appeal the Commission shall give the reasons, in writing, for its decision to the Appellant and written notice of its decision to the Nunatsiavut Government.
- 3.5.10 The Commission must make best efforts to hear and determine all appeals referred to in section 3.5.14 within one year of the Effective Date.
- 3.5.15 An appeal shall proceed as a re-hearing at which the Appellant may introduce additional evidence.
- 3.11.12 If a Committee does not make a decision referred to in subsection 3.11.10(a) within 60 clear days from the date on which it makes a preliminary decision referred to in section 3.11.6 or received representations under section 3.11.7, whichever is the later, the affected individual may apply to the Commission or the Board, as appropriate, to make the decision.
- 3.14.3 If, in any proceeding before a Committee, the Commission or the Board, evidence is to be given about Inuit customs and traditions the Committee, Commission or Board must, if requested, make arrangements so that two or more individuals can give the evidence together.

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### ***CROSS-REFERENCED AND RELATED PROVISIONS***

- 3.5.14 - Right to appeal
  - 3.11.6 - Preliminary decision
  - 3.11.7 - Time line for contesting preliminary decision
  - 3.11.10 (a) - Committee must make a decision
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### ***BUDGET AND FUNDING RESPONSIBILITIES***

See Annex D for Budget

**SUBJECT:** Enrolment Committee

**OBLIGATION:** Close out activities  
3.4.9 & 3.4.10

**PARTIES:** Enrolment Committee

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Deliver all documents and other information in its possession to its Region's Membership Committee and dissolve Enrolment Committee.	Enrolment Committee	Upon establishment of Membership Committee, within one year of Effective Date.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

The Nunatsiavut Government may make laws with respect to the dissolution of the Committee (3.2.1).

All proceedings and written records of the Committee shall be in English and Inuktitut (3.11.5).

The Nunatsiavut Government shall publish the Register within one year from the Effective Date (3.7.1).

On the date the Register is published the Nunatsiavut Government shall establish a Membership Committee for each Region (3.9.1).

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### ***FINAL AGREEMENT PROVISIONS***

3.4.9 Each Enrolment Committee shall deliver to its Region's Membership Committee all documents and other information in its possession or control.

3.4.10 The Enrolment Committee for each Region shall dissolve when the Region's Membership Committee has been established and the Enrolment Committee has met the requirements of section 3.4.9.

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### ***CROSS-REFERENCED AND RELATED PROVISIONS***

3.1.1. Definition of "Region"

**SUBJECT:** Enrolment Appeal Commission

**OBLIGATION:** Close out activities  
3.5.12 & 3.5.13

**PARTIES:** Enrolment Appeal Commission

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Deliver all records in its possession to Membership Appeal Board and dissolve Commission.	Enrolment Appeal Commission	Within 60 clear days from hearing and determining all appeals, matters and applications referred to in section 3.5.1 of the Agreement.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

The Nunatsiavut Government may make laws with respect to the dissolution of the Commission (3.2.1).

The Commission must make best efforts to hear and determine all appeals within one year of the Effective Date (3.5.1).

All proceedings and written records of the Commission shall be in English and Inuktitut (3.11.5).

### ***FINAL AGREEMENT PROVISIONS***

3.5.12 The Commission is dissolved 60 clear days from hearing and determining all appeals, matters and applications before it under section 3.5.1.

3.5.13 Prior to its dissolution, the Commission shall deliver to the Board all its records.

**SUBJECT:** Labrador Inuit Enrolment Register

**OBLIGATION:** Publish the Labrador Inuit Enrolment Register  
3.6.1, 3.7.1 - 3.7.3, 3.13.1

**PARTIES:** Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Prepare and maintain the Labrador Inuit Enrolment Register based on the Preliminary List prepared by the Enrolment Committees and subsequent decisions of the Enrolment Appeal Commission.	Nunatsiavut Government	Upon receipt of information provided by the Enrolment Committees and the Enrolment Appeal Commission.
2	Publish the Labrador Inuit enrolment Register and forward a copy to Canada and the Province.	Nunatsiavut Government	Within 12 months of Effective Date.
3	Provide an identification card to each Beneficiary.	Nunatsiavut Government	Upon enrolment on the Register.
4	Revise the Register based on information received from the Membership Committees and the Membership Appeal Board and forward a updated copy to Canada, the Province and the Membership Committees.	Nunatsiavut Government	Ongoing and at least once per year.
5	Provide an identification card to each new Beneficiary.	Nunatsiavut Government	Upon enrolment of new Beneficiary.
6	Make the Register or extracts available to the public.	Nunatsiavut Government	Upon request.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

The Nunatsiavut Government may recover its reasonable administrative cost associated with supplying

copies of the Register to the public (3.7.3).

The identification card is non-transferable and is rebuttable proof that the individual is a Beneficiary (3.13.2).

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### ***FINAL AGREEMENT PROVISIONS***

- 3.6.1 The Nunatsiavut Government shall prepare and maintain a register containing the names of each individual who is a beneficiary of the Agreement under this chapter.
- 3.7.1 The Nunatsiavut Government shall publish the Register within one year from the Effective Date. The Nunatsiavut Government shall give a copy of the Register to each of Canada and the Province.
- 3.7.2 After the Register is published under section 3.7.1, the Nunatsiavut Government shall:
- (a) update the Register at least once a year; and
  - (b) give a copy of the updated Register to each of Canada, the Province and the Membership Committees.
- 3.7.3 If requested, the Nunatsiavut Government shall make the Register or extracts from it available to the public. It may charge a reasonable fee to recover its administrative costs for doing so.
- 3.13.1 The Nunatsiavut Government must provide each Beneficiary with a card that identifies that individual as a Beneficiary.

**SUBJECT:** Labrador Inuit Enrolment Register

**OBLIGATION:** Removal of Names from Register  
3.8.1 & 3.8.2

**PARTIES:** Beneficiary  
Nunatsiavut Government

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Request in writing to the Nunatsiavut Government to be removed from, or not entered on, the Register.	Beneficiary or individual who is eligible to be placed on the Register.	As desired.
2	Remove name from Register:  a) upon request in writing by Beneficiary, or  b) after determination by a Membership Committee or the Board that an individual is not eligible for enrolment  and notify individual that action has been taken.	Nunatsiavut Government	Upon receipt of notification.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

In the case of an appeal (Activity Sheets 3-5, 3-6, 3-14, 3-15 and 3-16), the Nunatsiavut Government may remove the names of individuals from the Register only once the appeals process has been concluded.

The parent or guardian of someone under a legal disability may act on that individual's behalf for purposes of this chapter (3.11.3).

All proceedings and written records of the Membership Committees and the Board shall be in English and Inuktitut (3.11.5).

### ***FINAL AGREEMENT PROVISIONS***

3.8.1 An individual may choose not to be enrolled on the register by giving written notice to the Nunatsiavut Government. The name of that individual must either not be entered on the Register or be removed from the Register.

- 3.8.2 If a Membership Committee or, in the case of an appeal, the Board determines that an individual enrolled on the Register is not eligible to be enrolled on the Register under the Criteria, that individual must be removed from the Register. In making such a determination the Committee or Board shall follow the procedures set out in part 3.11.

**SUBJECT:** Membership Committees

**OBLIGATION:** Establish the Membership Committees and review applications  
3.7.2(a), 3.9.1, 3.9.3, 3.11.4, 3.11.6 - 3.11.8, 3.11.10, 3.14.3

**PARTIES:** Nunatsiavut Government  
Applicant for Enrolment  
Membership Committee

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Establish a Membership Committee for each Region and appoint members.	Nunatsiavut Government	On the date of publication of the enrolment Register, within 12 months of the Effective Date.
2	Submit application to a Membership Committee with supporting documentation to be enrolled as a beneficiary.	Applicant for Enrolment Minor reaching the age of majority Parent or legal guardians	As desired.
3	Review the application and decide whether or not an individual is entitled to be enrolled on the Register according to Criteria in Part 3.3 of the Agreement.	Membership Committee	Upon receipt of application.
4	Notify applicant of preliminary decision in writing, and if that preliminary decision is negative, offer applicant opportunity to make additional representation to the Committee.	Membership Committee	Upon making a decision.
5	If desired: a) submit further written information; or b) request a date to make a verbal representation to the Membership Committee along with any request for two or more individuals to give	Applicant who was not accepted for enrolment in Activity 4.	Within 30 clear days of receipt of notification in Activity 4.

	evidence together regarding Inuit customs and traditions.		
6	Set a date, including any arrangements for two or more individuals to give evidence together regarding Inuit customs and traditions.	Membership Committee	As soon as practicable in order to hear the oral representation no later than 60 clear days from receiving a request in Activity 5 (b).
7	Hear oral representation from potential beneficiary who was denied entitlement in Activity 4.	Membership Committee	No later than 60 clear days from receiving a request for oral representation.
8	Make final decision and: a) if positive, notify applicant and Nunatsiavut Government and update the list of Beneficiaries for the Region; or b) if negative, notify applicant giving written reasons and notify of rights to appeal decision to Membership Appeal Board.	Membership Committee	a) within 60 clear days of considering written representation submitted in Activity 5 (a); b) within 60 clear days of considering oral representation in Activity 7; or c) if no further representation is received from applicant, within 60 clear days of the preliminary decision made in Activity 3.
9	Update the Register according to Activity Sheet 3-9.	Nunatsiavut Government	Upon receipt of updates from the Membership Committees.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

Members of each Membership Committee must be Beneficiaries who are enumerated on the Regional Membership List for the relevant Region (3.9.2).

The composition of the Membership Committee for each Region is at the discretion of the Nunatsiavut Government.

If a Membership Committee for a Region receives an application that it believes should be assessed by another Membership Committee from another Region, forward the application to the Nunatsiavut Government for redirection.

The parent or guardian of someone under a legal disability may act on that individual's behalf for purposes

of this chapter (3.11.3).

Anyone who was enrolled on the Register as a minor must reapply for enrolment on the Register upon reaching the age of majority and must meet the Criteria for enrolment at that time (3.11.4).

All proceedings and written records of the Membership Committees shall be in English and Inuktitut (3.11.5).

An individual is deemed to have received a request from a Committee seven clear days from the date on which the request is made (3.11.9).

The timing in Activity 6 is recommended due to the fact that if a decision is not made within these time frames, an individual may apply to the Membership Appeal Board for a decision (3.11.12).

The Membership Committees are not bound by strict rules of evidence in making a decision (3.14.1).

No action or proceeding may be brought against a Party, Committee, or a member of a Committee in respect of anything done or omitted to be done by any one or more of them in the exercise or performance of any duties or functions under the Enrolment and Eligibility chapter (3.14.4).

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## ***FINAL AGREEMENT PROVISIONS***

- 3.7.2 After the Register is published under section 3.7.1, the Nunatsiavut Government shall:
- (a) update the Register at least once a year; and...
- 3.9.1 On the date the Register is published under section 3.7.1 the Nunatsiavut Government shall establish a membership committee for each Region in accordance with this part.
- 3.9.3 Each Membership Committee must:
- (a) consider all applications for enrolment properly before it;
  - (b) decide if an applicant for enrolment is entitled to be enrolled on the Register under the Criteria;
  - (c) maintain the list of Beneficiaries who are Permanent Residents of or connected to the Region;
  - (d) inform the Nunatsiavut Government of the individuals who:
    - (i) the Membership Committee determines are to be enrolled on or to have their names removed from the Register or transferred to or from another Regional Membership List; or
    - (ii) have enrolled as a beneficiary of another Canadian aboriginal land claims agreement; and
  - (e) perform the functions assigned to it in section 3.8.2.
- 3.11.4 Anyone who was enrolled on the Register as a minor must reapply for enrolment on the Register upon reaching the age of majority and must meet the Criteria for enrolment at that time.
- 3.11.6 If a Committee makes a preliminary decision that an individual:
- (a) is not entitled to be enrolled on the Register under part 3.3; or

(b) should have his or her name removed from the Register under section 3.8.2,

then, before the Committee makes a final decision, it shall, by written request, ask the individual to make oral or written representations to the Committee explaining why he or she should be enrolled on, or should not have his or her name removed from, the Register.

3.11.7 Anyone who receives a request referred to in section 3.11.6 has 30 clear days from receipt of the request to make written representations to the Committee or to request a date to make oral representations to the Committee. A Committee may extend the time referred to in this section.

3.11.8 A Committee must set a date to hear oral representations no later than 60 clear days from receiving a request.

3.11.10 A Committee must:

(a) make a decision on a matter referred to in section 3.11.6;

(b) give the reasons for its decision in writing;

(c) give a copy of the reasons to the individual affected by the decision; and

(d) notify that individual in writing of his or her right to appeal the Committee's decision and of the body to which the appeal must be made.

3.14.3 If, in any proceeding before a Committee, the Commission or the Board, evidence is to be given about Inuit customs and traditions the Committee, Commission or Board must, if requested, make arrangements so that two or more individuals can give the evidence together.

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### ***BUDGET AND FUNDING RESPONSIBILITIES***

The funding of the Membership Committees is the responsibility of the Nunatsiavut Government.

**SUBJECT:** Membership Committees

**OBLIGATION:** Update existing list of Beneficiaries for the Regions  
3.7.2 (a), 3.8.2 & 3.9.3 (c)(d)

**PARTIES:** Membership Committee(s)

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Update List of Beneficiaries for the Region based on information received from Beneficiaries.	Membership Committee	Ongoing and at least once per year.
2	Revise List of Beneficiaries for the Region and inform the Nunatsiavut Government.	Membership Committee	After a decision as per Activity Sheet 3-11 or upon request from the Nunatsiavut Government.

***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

The Committee is not bound by strict rules of evidence in making a decision (3.14.1).

No action or proceeding may be brought against a Party, Committee, or member of a Committee, in respect of anything done or omitted to be done by any one or more of them in the exercise or performance of any duties or functions under the Enrolment and Eligibility chapter (3.14.4).

All proceedings and written records of the Membership Committee shall be in English and Inuktitut (3.11.5).

***FINAL AGREEMENT PROVISIONS***

3.7.2 After the Register is published under section 3.7.1, the Nunatsiavut Government shall:

- (a) update the Register at least once a year;...

3.8.2 If a Membership Committee or, in the case of an appeal, the Board determines that an individual enrolled on the Register is not eligible to be enrolled on the Register under the Criteria, that individual must be removed from the Register. In making such a determination the Committee or Board shall follow the procedures set out in part 3.11.

3.9.3 Each Membership Committee must:

- (c) maintain the list of Beneficiaries who are Permanent Residents of or connected to the Region;
- (d) inform the Nunatsiavut Government of the individuals who:
  - (i) the Membership Committee determines are to be enrolled on or to have their names removed from the Register or transferred to or from another Regional Membership List; or

- (ii) have enrolled as a beneficiary of another Canadian aboriginal land claims agreement; and...
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***CROSS-REFERENCED AND RELATED PROVISIONS***

3.3.7 - Enrolment in two land claims agreements

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***BUDGET AND FUNDING RESPONSIBILITIES***

The funding of the Membership Committees is the responsibility of the Nunatsiavut Government.

**SUBJECT:** Membership Appeal Board

**OBLIGATION:** Establishment of the Membership Appeal Board and replacement of members  
3.10.1, 3.10.2, 3.10.4, 3.10.5, 3.10.8

**PARTIES:** Nunatsiavut Government  
Membership Appeal Board

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Appoint five members to the Board: - one member who is a Beneficiary enumerated on the Regional Membership List for each Region; and - one other Beneficiary  for a two year period.	Nunatsiavut Government	On the date of publication of the Register (within 12 months of Effective Date).
2	Call initial meeting to: a) select a chairperson; and b) establish rules for conducting proceedings.	Membership Appeal Board	As soon as practicable following appointments.
3	Upon vacancy, appoint replacement Board member for a new 2 year term.	Nunatsiavut Government	Upon resignation, death or removal from office.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

It would be a conflict of interest for a member of the Membership Appeal Board to hear an appeal for a decision they previously made on a Committee or while in the employ of the Nunatsiavut Government. Therefore, an individual who is a member of the Nunatsiavut Government or who is a member of a Committee shall not be appointed as a Board Member (3.10.3).

All proceedings and written records of the Membership Appeal Board shall be in English and Inuktitut. (3.11.5).

### ***FINAL AGREEMENT PROVISIONS***

3.10.1 On the date the Register is published under section 3.7.1, the Nunatsiavut Government shall establish the Inuit membership appeal board to hear and determine:

- (a) all appeals referred to in section 3.10.9;
  - (b) all matters referred back to it by the Federal Court; and
  - (c) applications referred to in section 3.11.12.
- 3.10.2 The Board must have one member who is a Beneficiary enumerated on the Regional Membership List for each Region appointed by the Nunatsiavut Government and one other Beneficiary.
- 3.10.4 A Board Member holds office for two years or until a successor is appointed, whichever is the longer, unless prior to that time the Board Member resigns, dies or is removed from office.
- 3.10.5 The Board members shall select a chairperson from among their number.
- 3.10.8 The Board may establish rules for conducting its proceedings consistent with this part and may extend the time referred to in section 3.10.11.
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### ***BUDGET AND FUNDING RESPONSIBILITIES***

The funding of the Inuit Membership Appeal Board is the responsibility of the Nunatsiavut Government.

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### ***CROSS-REFERENCED AND RELATED PROVISIONS***

3.1.1 - Definition of “Regions”

**SUBJECT:** Membership Appeal Board

**OBLIGATION:** Hear and conduct appeals based on a final decision of Membership Committee  
3.10.1, 3.10.7, 3.10.9 - 3.10.11, 3.14.3

**PARTIES:** Membership Appeal Board  
Applicant for membership (Appellant)

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	File appeal in writing to the Inuit Membership Appeal Board along with any request for two or more individuals to give evidence together regarding Inuit customs and traditions.	Appellant	Within 30 clear days of receiving final decision from Membership Committee giving written reasons for denial of eligibility.
2	Determine if appeal has been made within the 30 clear days limitation period, and notify Appellant.	Membership Appeal Board	As soon as practicable after receiving appeal.
3	Set a date including any arrangements for two or more individuals to give evidence together regarding Inuit customs and traditions.	Membership Appeal Board	Upon request of the Appellant.
4	Hear the case in the form of a re-hearing at which the Appellant may introduce additional evidence.	Membership Appeal Board	As soon as practicable upon receiving request for appeal.
5	Make decision and inform Appellant and Nunatsiavut Government in writing.	Membership Appeal Board	As soon as practicable upon request for appeal.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

The Board has the exclusive jurisdiction to hear and decide all appeals, matters and applications referred to in section 3.10.1 (3.10.6).

The parent or guardian of a minor or of some other person under a legal disability may act on that individual's behalf for purposes of this chapter (3.11.3).

Appeals can be dismissed on procedural grounds (in Activity 2) if the application is not submitted within the 30 day appeal period.

All proceedings and written records of the Membership Appeal Board shall be in English and Inuktitut. (3.11.5).

The Membership Appeal Board is not bound by strict rules of evidence in making a decision (3.14.1).

In any proceeding before a Committee, the Commission or the Board, evidence about the existence or content of Inuit customs and traditions is admissible in the proceeding if the individual giving the evidence has special knowledge or experience of Inuit customs and traditions even though the evidence may be hearsay or opinion (3.14.2).

No action or proceeding may be brought against a Party, the Membership Appeal Board or a member of the Board in respect of anything done or omitted to be done by any one or more of them in the exercise or performance of any duties or functions under the Enrolment and Eligibility chapter (3.14.4).

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### ***FINAL AGREEMENT PROVISIONS***

3.10.1 On the date the Register is published under section 3.7.1, the Nunatsiavut Government shall establish the Inuit membership appeal board to hear and determine:

- (a) all appeals referred to in section 3.10.9;
- (b) all matters referred back to it by the Federal Court; and
- (c) applications referred to in section 3.11.12.

3.10.7 Upon determining an appeal the Board shall give the reasons, in writing, for its decision to the Appellant and written notice of its decision to the Nunatsiavut Government.

3.10.9 Anyone whose enrolment as a Beneficiary is directly affected by a final decision of a Membership Committee may appeal that decision to the Board in accordance with this part.

3.10.10 An appeal shall proceed as a re-hearing at which the Appellant may introduce additional evidence.

3.10.11 An appeal must be made within 30 clear days from the date on which the Appellant received the reasons under subsection 3.11.10(c). An appeal must be made by filing a written notice of appeal with the Board.

3.14.3 If, in any proceeding before a Committee, the Commission or the Board, evidence is to be given about Inuit customs and traditions the Committee, Commission or Board must, if requested, make arrangements so that two or more individuals can give the evidence together.

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### ***BUDGET AND FUNDING RESPONSIBILITIES***

The funding of the Inuit Membership Appeal Board is the responsibility of the Nunatsiavut Government.



**SUBJECT:** Membership Appeal Board

**OBLIGATION:** Conduct hearing for application on which the Membership Committee did not render a decision in the required time frame 3.10.1 (c), 3.10.7, 3.10.10, 3.11.12, 3.14.3

**PARTIES:** Applicant for membership  
Membership Appeal Board

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	<p>If desired, write the Membership Appeal Board to request a decision on an application if the Membership Committee did not make a final decision in the required time.</p> <p>Include any request for two or more individuals to give evidence together regarding Inuit customs and traditions.</p>	Applicant	<p>a) if <u>no</u> further representation is submitted by the applicant and if no final decision is made within 60 clear days of making the preliminary decision at Activity 4 of Activity Sheet 3-11, or;</p> <p>b) if further representation is submitted by applicant and if no final decision is made within 60 clear days of receiving written representation or hearing oral representation under Activity 5 of Activity sheet 3-11.</p>
2	Set a date including any arrangements for two or more individuals to give evidence together regarding Inuit customs and traditions.	Membership Appeal Board	Upon request.
3	Hear the case in the form of a re-hearing at which the Applicant may introduce additional evidence.	Membership Appeal Board	As soon as practicable upon receipt of application.
4	Make decision and inform Applicant and Nunatsiavut Government in writing.	Membership Appeal Board	As soon as practicable.

**PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS**

The Board shall have full and exclusive jurisdiction to hear and decide all appeals, matters and applications referred to in Section 3.10.1 of the Agreement (3.10.6).

All proceedings and written records of the Membership Appeal Board shall be in English and Inuktitut (3.11.5).

The Board is not bound by strict rules of evidence in making a decision (3.14.1).

No action or proceeding may be brought against a Party, the Membership Appeal Board or a member of the Board in respect of anything done or omitted to be done by any one or more of them in the exercise or performance of any duties or functions under the Enrolment and Eligibility chapter (3.14.4).

In any proceeding before a Committee, the Commission or the Board, evidence about the existence or content of Inuit customs and traditions is admissible in the proceeding if the individual giving the evidence has special knowledge or experience of Inuit customs and traditions even though the evidence may be hearsay or opinion (3.14.2).

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### ***FINAL AGREEMENT PROVISIONS***

3.10.1 On the date the Register is published under section 3.7.1, the Nunatsiavut Government shall establish the Labrador Inuit membership appeal board to hear and determine:...

(c) applications referred to in section 3.11.12.

3.10.7 Upon determining an appeal the Board shall give the reasons, in writing, for its decision to the Appellant and written notice of its decision to the Nunatsiavut Government.

3.10.10 An appeal shall proceed as a re-hearing at which the Appellant may introduce additional evidence.

3.11.12 If a Committee does not make a decision referred to in subsection 3.11.10(a) within 60 clear days from the date on which it makes a preliminary decision referred to in section 3.11.6 or received representations under section 3.11.7, whichever is the later, the affected individual may apply to the Commission or the Board, as appropriate, to make the decision.

3.14.3 If, in any proceeding before a Committee, the Commission or the Board, evidence is to be given about Inuit customs and traditions the Committee, Commission or Board must, if requested, make arrangements so that two or more individuals can give the evidence together.

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### ***BUDGET AND FUNDING RESPONSIBILITIES***

The funding of the Labrador Inuit Membership Appeal Board is the responsibility of the Nunatsiavut Government.

**SUBJECT:** Judicial Review of Commission and Board Decisions

**OBLIGATION:** Conduct judicial review of decisions  
3.5.1 (b), 3.10.1 (b), 3.12.2 - 3.12.4

**PARTIES:** Appellant  
Federal Court of Canada - Trial Division  
Enrolment Appeal Commission  
Membership Appeal Board

	<i>Activities</i>	<i>Responsibility</i>	<i>Timing</i>
1	Apply for judicial review of a decision of the Enrolment Appeal Commission or Membership Appeal Board.	Appellant	As desired, within 30 clear days of receiving a decision.
2	Accept request for review and determine if one or more of the criteria identified in section 3.12.4 of the Agreement apply.	Federal Court of Canada - Trial Division	Upon determination that a term(s) of section 3.12.4 of the Agreement are met.
3	Make decision and if appropriate, direct Commission or Board according to section 3.12.3 of the Agreement.	Federal Court of Canada - Trial Division	According to the rules of practice of the Federal Court of Canada.
4	Hear cases remitted by Federal Court of Canada - Trial Division.	Enrolment Appeal Commission, or Membership Appeal Board	Upon referral from Federal Court of Canada - Trial Division.

### ***PLANNING ASSUMPTIONS, GUIDELINES AND EXPLANATIONS***

No order, decision or ruling of the Commission or the Board may be appealed. Every order, decision or ruling of the Commission or the Board is final and may not be reviewed in any court except as permitted by this part (3.12.1).

Subject to sections 3.12.2, 3.12.3 and 3.12.4, the *Federal Court Act* applies to an application for judicial review under this part as if the Commission or the Board were a federal board, commission or other tribunal under the *Federal Court Act*, except that subsections 18.1(1), 18.1(2) and 18.3(2) of the *Federal Court Act* do not apply (3.12.5).

No action or proceeding may be brought against a Party, the Commission or the Board or a member of the

Commission or the Board in respect of anything done or omitted to be done by any one or more of them in the exercise or performance of any duties or functions under the Enrolment and Eligibility chapter (3.14.4)

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### ***FINAL AGREEMENT PROVISIONS***

- 3.5.1 On the Effective Date an enrolment appeal commission shall be established to hear and determine:...
- (b) all matters referred back to it by the Federal Court; and...
- 3.10.1 On the date the Register is published under section 3.7.1, the Nunatsiavut Government shall establish the Labrador Inuit membership appeal board to hear and determine:...
- (b) all matters referred back to it by the Federal Court; and...
- 3.12.2 Notwithstanding sections 3.5.8 and 3.10.6, an application for judicial review of an order, decision or ruling of the Commission or the Board may be made to the Federal Court by the individual directly affected by the order, decision or ruling within 30 clear days from the date on which the order, decision or ruling was received by that individual, or within any additional time that a judge of the Federal Court may allow.
- 3.12.3 After hearing an application under section 3.12.2 the Federal Court may:
- (a) order the Commission or the Board to do anything it has unlawfully failed or refused to do or has unreasonably delayed in doing;
  - (b) decide a decision, order, act or proceeding of the Commission or the Board to be invalid or unlawful;
  - (c) quash, set aside or set aside and refer back for determination in accordance with any directions it considers to be appropriate a decision, order, act or proceeding of the Commission or the Board; or
  - (d) prohibit or restrain a decision, order, act or proceeding of the Commission or the Board.
- 3.12.4 The Federal Court may grant a remedy referred to in section 3.12.3 if it is satisfied that the Commission or the Board:
- (a) acted without jurisdiction, acted beyond its jurisdiction or refused to exercise its jurisdiction;
  - (b) failed to observe a principle of natural justice, procedural fairness or other procedure that it was required by Law to observe;
  - (c) erred in Law in making a decision or an order, whether or not the error appears on the face of the record;
  - (d) based its decision or order on an error of fact made in a perverse or capricious manner or without regard for the material before it;
  - (e) acted, or failed to act, as a result of fraud or perjured evidence; or
  - (f) acted in any other way contrary to Law.