

**IN THE SUPREME COURT OF CANADA**

(ON APPEAL FROM THE COURT OF APPEAL OF QUÉBEC)

IN THE MATTER OF a Reference to the Court of Appeal of Québec in relation to the *Act respecting First Nations, Inuit and Métis children, youth and families* (Order in Council No.: 1288-2019)

**BETWEEN:**

**ATTORNEY GENERAL OF QUÉBEC**

APPELLANT

-and-

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RESPONDENTS

-and-

**ATTORNEY GENERAL OF MANITOBA, ATTORNEY GENERAL OF BRITISH COLUMBIA and ATTORNEY GENERAL OF ALBERTA, ATTORNEY GENERAL OF THE NORTHWEST TERRITORIES**

INTERVENERS

*[Style of cause continued on next page]*

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**FACTUM OF THE INTERVENERS INUIT TAPIRIIT KANATAMI, NUNATSIAVUT GOVERNMENT AND NUNAVUT TUNNGAVIK INCORPORATED**  
(Pursuant to Rules 42 of the *Rules of the Supreme Court of Canada*)

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## **PART I – OVERVIEW AND STATEMENT OF FACTS**

### **A. Overview**

1. These interveners, Inuit Tapiriit Kanatami, Nunavut Tunngavik Incorporated and Nunatsiavut Government on behalf of Inuit, have a common interest in promoting the safety and well-being of Inuit children and youth by increasing support to families and enhancing Inuit culture and language through the provision of Inuit-lead services.
2. The *First Nations, Inuit and Metis Child, Youth and Family Services Act* (the Act), provides a significant alternative for Inuit to develop and establish additional infrastructure, programs and services, taking into account the needs of Inuit across Canada. The Act is an important affirmation of existing Indigenous rights of self-government which is consistent with the powers of Inuit governments under modern treaties and section 35 of the *Constitution Act, 1982*.
3. These Inuit interveners support this legislation as a federal initiative which respects the division of powers and the right of Indigenous self-government under the Constitution and facilitates affirmation of existing Indigenous customs, practices and traditions, as well as providing a more efficient and expedient process than the negotiation of self-government agreements. The Act further aims to enhance and support the development of Inuit child and family services in cooperation with provincial and territorial governments both within the Inuit homeland (Inuit Nunangat) and in jurisdictions where Inuit have relocated within Canada.
4. Inuit in particular have suffered from the lack of basic opportunities and services across Inuit Nunangat, resulting in a steady movement to other provinces and territories to pursue educational and employment opportunities, or in response to other factors such as the lack of adequate housing, health care and basic social programs and services. These factors include the relocation or removal of a number of Inuit children to urban centres in southern Canada because of the lack of basic services available across Inuit Nunangat and more adoption placements to non-Indigenous families.<sup>1</sup>

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<sup>1</sup> Makivik Corporation factum at paras 8-13 describes in detail the youth protection crisis in Nunavik.



5. In this submission, the interveners address the constitutional issues that arise in this reference with respect to the constitutional right of self-government in relation to children and youth, including addressing Indigenous cultural and social rights that apply to Indigenous peoples across Canada.

**B. Statement of Facts**

6. This is the joint factum of the interveners Inuit Tapiriit Kanatami, Nunatsiavut Government and Nunavut Tunngavik Incorporated pursuant to leave to intervene granted on October 7, 2022.
7. Inuit Tapiriit Kanatami (ITK) is a national Inuit organization established in 1971 which advocates on behalf of Inuit in Canada who, for the most part, live in the Inuit homeland (Inuit Nunangat) in the Inuvialuit Settlement Region (Northwest Territories and Yukon), Nunavut, Nunavik (Northern Quebec) and Nunatsiavut (Labrador). It is estimated that there are some 65,000 Inuit in Canada. ITK was involved in the consultations that took place from 2018-2019 which led to the development of Bill C-92.
8. The Nunatsiavut Government (NG) was established in 2005 to implement the Labrador Inuit Land Claims Agreement which is a modern treaty which contains a self-government component. The Agreement was described in the opinion of the Quebec Court of Appeal:

**Labrador Inuit Land Claims Agreement** (2005; tripartite agreement between this Aboriginal people, the Government of Canada and the Government of Newfoundland and Labrador). While this agreement does not contain an express affirmation of the right of self-government of this people as an Aboriginal right guaranteed by s. 35 of the *Constitution Act, 1982*, it nevertheless establishes a sophisticated self-government regime (chapter 17), following a preamble which generally states that the *Constitution Act, 1982* recognizes aboriginal and treaty rights and which affirms the intention to establish “a free and democratic government for the Inuit”. It should be noted that the Nunatsiavut Government established by this agreement has jurisdiction over social, family youth and children’s services (part 17.15, with Inuit Law prevailing, subject to some exceptions- see ss. 17.15.4 and 17.15.7), as well as adoption (ss. 17.18.9 to 17.18.13)<sup>2</sup>

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<sup>2</sup> *Renvoi à la Cour d'appel du Québec relatif à la Loi concernant les enfants, les jeunes et les familles des Premières Nations, des Inuits et des Métis*, 2022 QCCA 185 (hereinafter QCCA); Labrador Inuit Land Claims Agreement, QCCA, Appendix B. Note the Preamble and Chapter 17 of the Land Claims Agreement are attached below at p. 12.

9. Nunavut Tunngavik Incorporated (NTI) was established in 1993 after the coming into force of the Nunavut Agreement which is also a modern treaty under section 35 of the *Constitution Act, 1982*. The mandate of NTI is to protect and advance the Indigenous and treaty rights of the Nunavut Inuit.
10. The Nunavut Agreement includes an agreement by Canada to establish the Territory of Nunavut with a democratically elected assembly subject to the rights protected by section 35 of the Constitution. As noted by the Quebec Court of Appeal, Nunavut Inuit did not abandon or release any of their constitutional rights to self-government in the Nunavut Agreement, nor Inuit rights not specified in the Nunavut Agreement.<sup>3</sup>

## **PART II– QUESTIONS IN ISSUE**

11. The following questions are at issue in these appeals:
  - (a) Are sections 1 to 17 of the Act, which establish national standards and procedures for child and family services for Indigenous children, invalid under the division of powers and the architecture of the Constitution?
  - (b) Are sections 18 to 26 of the Act, which address the legislative authority of Indigenous governing bodies pursuant to the section 35 right of self-government, valid under the Constitution?
  - (c) Did the Court of Appeal err in holding that section 21 and subsection 22(3) of the Act are invalid?
12. A related issue is whether it is within the scope of federal legislative power to define a section 35 right to self-government in relation to child and family services since sections 18 to 26 of the Act are based on that premise.

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<sup>3</sup> QCCA, Appendix B.

### **PART III – ARGUMENT**

#### **Are Sections 1 to 17 of the Act, which establish general standards and procedures applicable to child and family services for Indigenous children, invalid?**

13. The national standards and procedures set out in the Act apply generally to governments and to Indigenous governing bodies at the federal, provincial and territorial level.<sup>4</sup>
14. As held by the Court of Appeal, the enactment of national standards applicable to child and family services for Indigenous children is valid under section 91(24) of the Constitution.<sup>5</sup>

#### **Are sections 18 to 26, which declare the inherent right of self-government and set out a framework for the enactment of Indigenous laws by Indigenous governing bodies, valid?**

15. Inuit have an inherent right of self-government, a right that has never been surrendered or extinguished and continues as a right recognized under section 35 of the Constitution.
16. Since the passage of the first *Indian Act* in 1876, Canada has enacted legislation in relation to Indigenous government notably with respect to First Nations band membership, band elections and referenda and land management. Such legislation has evolved over time to provide for the greater recognition of the authority of First Nation bands and councils and to recognize custom membership codes and custom election codes. In addition, federal “opt in” legislation has conferred additional powers on band councils in relation to land management, fiscal management and taxation.<sup>6</sup> As a further example, the federal government has recognized the right of certain First Nation bands to exercise self-government legislative jurisdiction in relation to primary, elementary and secondary education under the *Mik’maq Education Act*, S.C. 1998, c. 24, s. 6. Federal legislation has thus been enacted in relation to Indigenous governance. The Act is no different.

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<sup>4</sup> QCCA, paras. 239-240.

<sup>5</sup> QCCA, paras. 349-355.

<sup>6</sup> *Indian Act*, RSC 1985, c I-5; *First Nations Land Management Act*, S.C. 1999, c. 24, ss. 18-20; *Budget Implementation Act*, S.C. 2000, c. 14, Part 4; *First Nations Fiscal and Statistical Management Act*, S.C. 2005, c. 9.

17. Provincial and territorial legislation and jurisprudence has also recognized and facilitated customary Indigenous laws and procedures, particularly in respect of marriage and adoption.<sup>7</sup> In Nunavut, where custom adoptions are common, Inuit customary practices have been recognized in territorial legislation.<sup>8</sup> Custom adoption enables an adopting parent to provide care for children, where otherwise a biological parent may not be able to provide care, and allows for cultural continuity and for family ties to be maintained through continued relationships with biological families. Territorial legislation does not interfere with or infringe upon Inuit custom adoption, but facilitates its exercise by enabling adopting parents to obtain a Nunavut birth certificate for a child without a formal court order. Inuit practice custom adoption whether they reside within Inuit Nunangat, or live elsewhere in Canada. Custom adoption has been practiced historically and continues to be exercised today without government support or programs and services. However, co-ordination agreements under the Act could include funding to provide support to Inuit through early intervention, prevention and programs and services for parents with respect to decision-making related to child placement.
18. Modern treaties and self-government agreements have already established Indigenous governments with specific legislative powers in relation to child and family services pursuant to the federal Inherent Right Policy of 1995, including the Labrador Inuit Land Claims Agreement (2005) which conferred such powers on the Nunatsiavut Government.<sup>9</sup> In such modern treaties, detailed conflict provisions clarify in what circumstances Indigenous laws will prevail over federal or provincial legislation.
19. Thus, recognition in the Act of the jurisdiction of Indigenous governing bodies to enact laws in relation to Indigenous child and family services and of an implementation framework within which Indigenous governing bodies may enact such laws is in accordance with federal legislation and with modern self-government treaties and falls within the broad federal power under section 91(24) of the Constitution.

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<sup>7</sup> QCCA, paras. 380-384, 484.

<sup>8</sup> *Aboriginal Custom Adoption Recognition Act*, SNWT 1994, c. 26; *Vital Statistics Act*, SNWT 2011, c. 34.

<sup>9</sup> Labrador Inuit Land Claims Agreement (2005), Preamble and Parts 17.15 and 17.18 attached below at Appendix A, p. 12. Other such treaties include the Tlicho Agreement(2005) and the Deline Final Self-Government Agreement (2015) both of which are described in QCCA, Appendix B.

20. At the same time, the Court's jurisprudence has recognized the central role of the provinces and territories in the delivery and management of child and family services to citizens within their jurisdiction.<sup>10</sup> The relationship between Indigenous child and family services and the existing and, generally more comprehensive, provincial and territorial programs and services is a reality of federalism. This relationship requires ongoing cooperation and agreements between the parties.
21. The Act provides that Indigenous governing bodies must work cooperatively to negotiate a coordination agreement before any Indigenous legislation in relation to child and family services can be effective under the Act. In addition, the Act establishes a process under which the required tripartite discussions must take place. The federal legislation enabling a tripartite table to achieve agreements in relation to certainty and clarity of Indigenous child and family services represents a new alternative which facilitates the negotiation of more efficient and expedient coordination agreements within this legislative framework. Given the length of time required to complete treaty and self-government negotiations, the Act provides a reasonable and incremental incentive to provinces and territories to negotiate by requiring a one year limit on negotiations for coordination agreements before an Inuit law comes into force. This process is consistent with the jurisprudence that holds that negotiated agreements, as opposed to litigation, represent the best path to reconciliation<sup>11</sup> and that such negotiations must respect the principle of the Honour of the Crown which applies to all relationships between the Crown and Indigenous peoples.
22. The declaration in section 18 that there is a right to self-government under section 35 requires the Court to make a finding as to whether there is in law a generally applicable, or generic, right to self-government with respect to child and family services.<sup>12</sup> The declaration in the Act that Indigenous peoples have such a right provides the legislative foundation for the framework for the enactment of Indigenous legislation and the negotiation of coordination agreements set out in sections 20 to 26. Thus, the validity of section 18 must be addressed by the Court.

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<sup>10</sup> *NIL/TU, O Child and Family Services Society v. B.C. Government and Service Employees Union*, 2010 SCC 45, para. 41.

<sup>11</sup> QCCA, paras. 448-449.

<sup>12</sup> QCCA, paras. 452-453.

23. The Court of Appeal held that a general or generic right of self-government in relation to child and family services should be recognized and that such a right applies to all Indigenous peoples without proof of the culture and practices of individual Indigenous peoples.<sup>13</sup>
24. However, the jurisprudence, including *Van der Peet*, does not address fundamental section 35 generic rights that are based on the distinctive identity and culture of the Indigenous peoples of Canada. Learned scholars have argued that there are a number of such general rights protected under section 35 that are inherent to all Indigenous peoples.<sup>14</sup> Also, an Indigenous right to regulate child and family services is consistent with the United Nations Declaration on the Rights of Indigenous Peoples which has been endorsed by Canada and is specifically referenced in the Act.<sup>15</sup>
25. In the reference, extensive proof was tendered on the fundamental importance to all Indigenous peoples of the right to educate and protect their children in their own culture and language which right was essential for their very survival as distinct peoples.<sup>16</sup> The Court of Appeal held, after considering the evidence:
- [489] As we have seen, s. 35 of the *Constitution Act, 1982* establishes legal guarantees that are intrinsically tied to the cultural continuity of Aboriginal peoples. Since the regulation of child and family services is intimately tied—if not essential—to the cultural continuity and survival of Aboriginal peoples as distinct peoples, whether as a whole or taken individually, it follows that the right to regulate those services belongs to all Aboriginal peoples, as well as to each of them. This aspect is central to the cultural security and survival of every Aboriginal people.
26. It is submitted that the Court of Appeal was correct in holding that there is a right of self-government to pass laws for the protection of children which right applies to all Indigenous peoples. However, the implementation of that right requires agreements between governments and Indigenous governing bodies on matters that cannot be managed exclusively by one level of government acting alone.<sup>17</sup>

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<sup>13</sup> QCCA, para. 494; *R. v. Van der Peet*, [1996] 2 SCR 507.

<sup>14</sup> The Court of Appeal discusses the academic literature at QCCA para. 488 and footnote 509.

<sup>15</sup> QCCA, paras. 506-513.

<sup>16</sup> QCCA, paras. 476-485.

<sup>17</sup> QCCA, para. 552 and paras. 559-560.

27. The right of self-government is an inherent right of all Inuit, a right which has never been given up or extinguished. However, this case is only concerned with the self-government right as it applies to the regulation of child and family services. Therefore, it is not necessary for the Court to address the content of the right of self-government as it might apply in future cases as argued by Canada in its factum.

**Are the force of law and paramountcy provisions in Sections 21 and 22(3) of the Act invalid?**

28. The Court of Appeal found sections 21 and 22(3) of the Act to be unconstitutional. It is submitted that these provisions are an integral part of the federal scheme and are constitutionally valid.
29. Section 20 of the Act, headed “Coordination and Application”, provides that laws in respect of child and family services passed by Indigenous governing bodies can only come into effect when and if notice is given to governments of the intent to pass laws and a coordination agreement with the relevant province or territory has been entered into, or there has been a period of good faith negotiations of at least a year. A coordination agreement is intended to address arrangements with other governments including the provision of emergency services, support measures and fiscal measures (s. 20(2)). Once these steps are taken, and only then, will an Indigenous law come into effect with “the force of law as federal law” (s. 21) and if there is a conflict with provincial or territorial laws the Indigenous law will prevail (s. 22(3)).
30. It is submitted that the force of law and conflict provisions in sections 21 and 22(3) of the Act are consistent with the conflict provisions in the modern treaties with respect to Indigenous jurisdiction over child and family services.<sup>18</sup> The Act, read as a whole and in context and in a purposive manner, does not support the finding of the Court of Appeal that the effect of sections 21 and 22(3) is to “make Aboriginal laws absolute in relation to provincial laws”.<sup>19</sup>
31. The conflict provisions in section 22(3) only apply to Indigenous laws that are enacted in relation to the regulation of child and family services established or to be established for the benefit of Indigenous peoples in their territories. Further, the Act does not displace existing treaties or other

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<sup>18</sup> See, for example, Labrador Inuit Land Claims Agreement (2005), s. 17.15.7; Deline Final Self-Government Agreement (2015), s. 11.7.

<sup>19</sup> QCCA, para. 544, see also paras. 548 and 570.

agreements relating to child and family services. Section 3 of the Act makes it clear that existing treaties and self-government agreements and any other inter-governmental agreements on child and family services will prevail over the provisions in the Act in case of any “conflict or inconsistency”.

32. It is also submitted that Indigenous laws enacted in relation to child and family services will have to apply flexibly to reflect the circumstances of the particular Indigenous governing body, whether it be a “council, government or other entity that is authorized to act on behalf of an Indigenous group” as defined by section 1 of the Act.

### **The options for Indigenous governing bodies under the Act**

33. The Act should be viewed, as it was by the Court of Appeal, as an option for Indigenous governing bodies, who wish to exercise jurisdiction to manage child and family services, and to affirm their existing customs, practices and traditions on child welfare, including custom adoption, but who may not be in a position to engage in the lengthy and costly process of negotiating a comprehensive self-government agreement with Canada and provincial and territorial governments.
34. By formally recognizing the fundamental right of Indigenous peoples to regulate and manage child and family services for Indigenous children, the Act supports significant alternative options to provide more culturally relevant early intervention, prevention programs and support for Indigenous children, youth and families that hopefully will be effective to reduce child welfare overrepresentation.
35. The Court of Appeal noted that the Act appears ambiguous or imprecise in some respects.<sup>20</sup> However, it is the validity of the Act under the Constitution that is at issue, not whether the Act is incomplete or inadequate.

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<sup>20</sup> QCCA, paras. 267-279.



36. The Act as a whole is valid under 91(24) of the Constitution as legislation in relation to Indigenous peoples which encourages ongoing cooperative relationships between provincial and territorial governments and Canada and Indigenous governments, for the benefit of all Indigenous children, youth and families.

**PART IV– COSTS**

37. The interveners submit that no costs should be awarded for or against the interveners.

**PART V – ORDER SOUGHT**

38. The interveners make no submission on the order sought.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated at Ottawa this 14<sup>th</sup> day of November, 2022.



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**PART VI – TABLE OF AUTHORITIES & LEGISLATION**

<b>Case Law:</b>	<b>Paragraph References (to Memorandum)</b>
<i>NIL/TU, O Child and Family Services Society v. B.C. Government and Service Employees Union</i> , <a href="#">2010 SCC 45</a>	20
<i>Renvoi à la Cour d'appel du Québec relatif à la Loi concernant les enfants, les jeunes et les familles des Premières Nations, des Inuits et des Métis</i> , <a href="#">2022 QCCA 185</a>	8, 10, 13, 14, 17, 18, 21, 22, 23, 24, 25, 26, 30, 35
<i>R. v. Van der Peet</i> , <a href="#">[1996] 2 SCR 507</a>	24
<b>Statutes, Regulations, Legislation:</b>	
<a href="#">Aboriginal Custom Adoption Recognition Act, SNWT 1994, c. 26</a>	17
<a href="#">Budget Implementation Act, S.C. 2000, c. 14, Part 4</a>	16
<a href="#">Constitution Act, 1982</a>	2, 8, 9, 25
<a href="#">First Nations Fiscal and Statistical Management Act, S.C. 2005, c. 9</a>	16
<a href="#">First Nations Land Management Act, S.C. 1999, c. 24, ss. 18-20</a>	16
<a href="#">Indian Act, RSC 1985, c I-5</a>	16
<a href="#">Mik'maq Education Act, S.C. 1998, c. 24, s. 6</a>	16
<a href="#">Vital Statistics Act, SNWT 2011, c. 34</a>	17

**APPENDIX A – EXCERPTS FROM THE LABRADOR INUIT LAND CLAIMS AGREEMENT**

**Parties and Preamble**

THIS LAND CLAIMS AGREEMENT

BETWEEN:

**The Inuit of Labrador as represented by Labrador Inuit Association**

AND:

**Her Majesty the Queen in right of Newfoundland and Labrador**

AND:

**Her Majesty the Queen in right of Canada**

**WITNESSES THAT WHEREAS:**

1. Inuit claim aboriginal rights in and to the Labrador Inuit Land Claims Area based on their traditional and current use and occupancy of the lands, waters and sea ice of the Labrador Inuit Land Claims Area in accordance with their own customs and traditions;
2. Inuit are an aboriginal people of Canada;
3. Inuit have never entered into a treaty or land claims agreement with the Crown;
4. The *Constitution Act, 1982* recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada, and “treaty rights” includes rights that may be acquired by way of land claims agreements; and
5. The Agreement sets out principles for the establishment of a free and democratic government for Inuit;

**NOW THE PARTIES AGREE AS FOLLOWS:**

## **Chapter 17: Labrador Inuit Self-Government**

### **Part 17.1 Definitions**

#### 17.1.1 In this chapter:

“Alcoholic Beverage” includes:

- (a) alcohol;
- (b) alcoholic spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors; and
- (c) mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating;

“AngajukKak” means the chief executive officer and mayor of an Inuit Community Government;

“Descendant” means an individual:

- (a) who is a Non-Beneficiary;
- (b) who is a Canadian citizen or a permanent resident of Canada under federal Legislation;
- (c) who was born after May 10<sup>th</sup>, 1999;
- (d) either or both of whose parents was a Resident at the time of the individual’s birth; and
- (e) who has been ordinarily resident in an Inuit Community since birth;

“Environment” means the components of the earth and includes:

- (a) land, water and air, including all layers of the atmosphere;
- (b) all organic and inorganic matter and living organisms; and
- (c) the interacting natural systems that include the components referred to in clauses (a) and (b);

“Environmental Emergency” means an uncontrolled, unplanned, accidental or unlawful release of a substance into the Environment, or the reasonable likelihood of such release, that:

- (a) has or may have an immediate or long-term harmful effect on the Environment;

- (b) constitutes or may constitute a danger to the Environment on which human life depends; or
- (c) constitutes or may constitute a danger to human life or health;

“Intellectual Property” means any intangible property right, including patents, copyrights, trademarks, industrial designs, integrated circuit topographies and plant breeder’s rights, that results from any intellectual activity in the industrial, scientific, literary or artistic fields;

“Inuit Community Council” means the body exercising legislative authority in an Inuit Community Government;

“Inuit Community Councillor” means an elected member of an Inuit Community Council;

“Inuit Correctional Service” means the correctional service established pursuant to an Inuit Law under section 17.32.1;

“Inuit Court” means a court established pursuant to an Inuit Law under section 17.31.1;

“New Resident” means an individual who:

- (a) is a Non-Beneficiary;
- (b) is a Canadian citizen or a permanent resident of Canada under federal Legislation; and
- (c) became ordinarily resident in an Inuit Community after May 10<sup>th</sup>, 1999;

“Provincial Court” means the Provincial Court of Newfoundland and Labrador;

“Provincial Crown Land” means all lands in the Labrador Inuit Settlement Area, except:

- (a) lands that are being used by, or that are approved for use by, the Province;
- (b) lands that are under the control and administration of Canada;
- (c) lands lawfully alienated from the Province; and
- (d) Labrador Inuit Lands;

“Resident” means an individual who:

- (a) is a Non-Beneficiary;

- (b) is a Canadian citizen or a permanent resident of Canada under federal Legislation; and
- (c) was ordinarily resident in an Inuit Community on May 10<sup>th</sup>, 1999 and who has been ordinarily resident in an Inuit Community since that time; and

“Young Person” means a young person as defined in the *Youth Criminal Justice Act*.

**Part 17.2      General**

- 17.2.1      The Agreement exhaustively sets out the law-making authorities and self-government rights of Inuit.
- 17.2.2      The Nunatsiavut Government is responsible for intergovernmental affairs and relations between Inuit Government, and Canada or the Province, or both.

**Part 17.3      The Labrador Inuit Constitution**

- 17.3.1      Inuit shall establish the Labrador Inuit Constitution.
- 17.3.2      The Labrador Inuit Constitution shall be effective as the fundamental law of Inuit to the extent that it is consistent with the Agreement.
- 17.3.3      The Labrador Inuit Constitution shall provide for the following matters:
  - (a) the establishment of a government for Inuit and Labrador Inuit Lands, to be known as the Nunatsiavut Government, and the legislative and executive institutions of the Nunatsiavut Government, including their composition, powers, and duties;
  - (b) subject to part 17.40, the establishment of a local government for each of the Inuit Communities and matters related to their organization and administration, including the powers of the AngajukKak;
  - (c) a guarantee of the right of Inuit to participate in the institutions of Inuit Government;
  - (d) a requirement that the executive officers and the members of the legislative institutions of the Nunatsiavut Government be responsible to Inuit in accordance with principles of democracy;
  - (e) subject to part 17.40, the establishment of the qualifications of and procedures for the selection of the executive officers and the election of members of the legislative institutions of Inuit Government;

- (f) a requirement that the Nunatsiavut Government be financially accountable to Inuit;
- (g) a requirement that Inuit Government establish rules respecting conflict of interest for executive officers, members of legislative institutions and officials and employees of Inuit Government;
- (h) the establishment of procedures for challenges of an Inuit Law or a Bylaw; and
- (i) amendment of the Labrador Inuit Constitution by Inuit, in accordance with principles of democracy.

17.3.4 The Labrador Inuit Constitution may provide for the following matters:

- (a) subject to part 17.40, the exercise of the jurisdictions and authorities of Inuit Government or any of their respective capacities, rights and powers, including the power referred to in subsection 4.4.4(b);
- (b) the establishment of municipal governments in Labrador Inuit Lands by the Nunatsiavut Government;
- (c) the establishment of Inuit Community Corporations in the upper Lake Melville area and other areas outside the Labrador Inuit Settlement Area to represent Inuit resident in those areas and provide for their participation in the Nunatsiavut Government;
- (d) the relationships among the Nunatsiavut Government and Inuit Community Governments, municipal governments in Labrador Inuit Lands and the Inuit Community Corporations;
- (e) the recognition of Inuit customary law and the application of Inuit customary law to Inuit with respect to any matter within the jurisdiction and authority of the Nunatsiavut Government as set out in the Agreement on condition that any recognition or application of Inuit customary law shall be proclaimed, published and registered in accordance with part 17.5; and
- (f) an Inuit charter of human rights.

17.3.5 The Labrador Inuit Constitution that was approved in a referendum on April 15<sup>th</sup>, 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.

17.3.6 Subject to residency, age and other requirements under the Labrador Inuit Constitution or under Inuit Laws, Inuit are eligible to vote in Nunatsiavut Government elections and to hold office in the Nunatsiavut Government.

**Part 17.4 Legal Status of Inuit Government**

- 17.4.1 The Nunatsiavut Government and each Inuit Community Government is a legal entity with the capacity, rights, powers and privileges of a natural person and may:
- (a) enter into contracts and agreements;
  - (b) acquire and hold property or any interest therein and sell or otherwise dispose of that property or interest;
  - (c) raise, borrow, invest and expend money;
  - (d) sue and be sued;
  - (e) form corporations and other legal entities under federal or Provincial Laws; and
  - (f) do other things ancillary to the exercise of the capacities, rights, powers and privileges set out in this section.

**Part 17.5 Registry of Laws**

- 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.
- 17.5.3 The Inuit Court shall take judicial notice of Inuit Laws and Bylaws.
- 17.5.4 In any Legal Proceeding, other than one before the Inuit Court, a copy of an Inuit Law or Bylaw that is certified as a true copy by a duly authorized officer of the Nunatsiavut Government or the Inuit Community Government, as the case may be, is evidence of its enactment on the date specified in the Inuit Law or Bylaw without



proof of the officer's signature or official status, and no such Inuit Law or Bylaw is invalid by reason of any defect in form.

**Part 17.6 Delegation**

- 17.6.1 The Nunatsiavut Government may delegate the exercise of any of its jurisdictions, authorities, capacities, rights, powers and privileges to:
- (a) an agency, official, municipality, school board, legal entity or institution of the Nunatsiavut Government;
  - (b) an Inuit Community Corporation;
  - (c) an Inuit Community Government or the Inuit members of an Inuit Community Government;
  - (d) Canada or the Province;
  - (e) a municipality, school board, or other legal entity established by Canada or the Province; or
  - (f) another aboriginal government in Newfoundland and Labrador.
- 17.6.2 Any delegation by the Nunatsiavut Government under subsections 17.6.1(b), (c), (d), (e) and (f) shall be effective only upon the written agreement of the delegate and may be terminated on written notice.
- 17.6.3 The Nunatsiavut Government has the authority to receive powers delegated to it by any entity referred to in subsections 17.6.1(b), (d), (e), (f) and, subject to section 17.6.6, an Inuit Community Government.
- 17.6.4 Any delegation of powers to the Nunatsiavut Government under section 17.6.3 shall be effective only upon the written agreement of the Nunatsiavut Government.
- 17.6.5 Except as provided in section 17.6.6, an Inuit Community Government shall not delegate the exercise of any of its jurisdictions, authorities, capacities, rights, powers and privileges to any Person other than an agency, official, legal entity or institution of the Inuit Community Government.
- 17.6.6 An Inuit Community Government may delegate the exercise of any of its jurisdictions, authorities, capacities, rights, powers and privileges under section 17.41.1 and 17.41.3 to any Person with the consent of all Inuit Community Councillors other than those who are additional representatives under an Inuit Law made pursuant to section 17.7.3 but the delegation expires with the election of a new Inuit Community Council.

**Part 17.7 General Provisions Respecting Inuit Government Legislative Jurisdiction**

- 17.7.1 The Nunatsiavut Government may incorporate by reference within an Inuit Law, and an Inuit Community Government may incorporate by reference within a Bylaw, any Law of General Application in respect of a matter within its jurisdiction under the Agreement.
- 17.7.2 An Inuit Law shall not be invalid merely because, in its application, it does not meet a standard required under section 17.12.4, 17.13.3, 17.15.3, 17.19.2 or 17.33.3.
- 17.7.3 The Nunatsiavut Government may make laws in relation to:
- (a) the internal affairs of the Nunatsiavut Government including, without affecting the proportion of Inuit Community Councillors required for decision-making in relation to matters referred to in sections 17.41.1 and 17.41.3, laws to provide for additional representatives who are Inuit to serve on Inuit Community Councils for the matters referred to in section 17.41.7; and
  - (b) subject to part 17.40, the qualifications, other than qualifications respecting residency, of electors and candidates in Inuit Community Council elections.
- 17.7.4 For greater certainty, the authority of the Nunatsiavut Government to make laws in respect of a matter, as set out in the Agreement, includes the authority to make laws and to do other things as may be necessarily incidental to exercising its authority to make laws.
- 17.7.5 If there is a Conflict between an Inuit Law under section 17.7.3 and a federal or Provincial Law, the Inuit Law prevails to the extent of the Conflict.
- 17.7.6 The Nunatsiavut Government may make laws in relation to access to information held by the Nunatsiavut Government under Inuit Laws.
- 17.7.7 If there is a Conflict between an Inuit Law under section 17.7.6 and a federal or Provincial Law, the Inuit Law prevails to the extent of the Conflict unless otherwise agreed pursuant to an agreement entered into under chapter 20.

**Part 17.8 Powers of the Nunatsiavut Government in Relation to Culture and Language**

- 17.8.1 The Nunatsiavut Government may make laws in relation to Inuit culture and Inuktitut in Labrador Inuit Lands and the Inuit Communities, including:
- (a) laws to preserve, promote and develop Inuit spiritual beliefs, Inuit sacred knowledge and Inuit sacred sites;
  - (b) subject to chapter 15, laws to preserve, promote and develop Inuit cultural heritage; and

- (c) laws to preserve, promote and develop Inuit traditional knowledge.
- 17.8.2 The jurisdiction of the Nunatsiavut Government under section 17.8.1 does not include the jurisdiction to make laws in relation to the official languages of Canada. Nothing in an Inuit Law or a Bylaw shall limit the operation of federal Legislation in relation to the official languages of Canada.
- 17.8.3 Nothing in the Agreement shall be construed as providing the Nunatsiavut Government with any jurisdiction to make laws in relation to Intellectual Property.
- 17.8.4 For greater certainty, the Nunatsiavut Government may provide programs and services in relation to Inuit culture and Inuktitut to Inuit resident in Newfoundland and Labrador outside Labrador Inuit Lands and the Inuit Communities.
- 17.8.5 If there is a Conflict or an inconsistency between an Inuit Law under section 17.8.1 and a federal or Provincial Law or a Bylaw, the Inuit Law prevails to the extent of the Conflict or inconsistency.

**Part 17.9 Powers of the Nunatsiavut Government in Relation to Local Matters in Labrador Inuit Lands and the Inuit Communities**

- 17.9.1 The Nunatsiavut Government may make laws in relation to the following matters in Labrador Inuit Lands outside the Inuit Communities:
  - (a) the establishment of a system of administration for the governance of Labrador Inuit Lands;
  - (b) municipal parks and recreation, amusements, entertainment and entertainment facilities and public waiting areas;
  - (c) curfews;
  - (d) public libraries;
  - (e) shop closing, billboards and public advertising, street trading and vending; and
  - (f) any other matters of a local or municipal nature as agreed by the Parties.
- 17.9.2 If there is a Conflict between an Inuit Law under subsections 17.9.1(a) through (e) and a federal or Provincial Law, the Inuit Law prevails to the extent of the Conflict. In the event of a Conflict between an Inuit Law under subsection 17.9.1(f) and a federal or Provincial Law, paramountcy will be determined by agreement of the Parties.
- 17.9.3 Subject to section 17.9.6, the Nunatsiavut Government may make laws in Labrador Inuit Lands outside the Inuit Communities in relation to the following matters:

- (a) regulation of buildings and their use and occupancy;
- (b) the protection of Water supplies, the prevention and remediation of erosion, and the provision of services such as Water, sewer, lighting, waste removal and disposal, storm water drainage, snow clearance, removal and disposal, and the prevention, management and removal of core ice and ice in built-up areas;
- (c) fire protection and fire fighting services;
- (d) the prohibition and control of noise or other nuisances;
- (e) cemeteries and crematoria;
- (f) care and keeping of livestock, poultry and pets, the impoundment and disposal of any animal improperly at large or diseased, and the burial and disposal of dead animals or animal parts;
- (g) the licensing of businesses;
- (h) municipal public works, public places and public facilities;
- (i) the use of a stand or vehicle whether or not that stand or vehicle is self-moving, drawn by another vehicle or person or is temporarily or permanently stationary, or is a stand or vehicle for the sale of food or goods;
- (j) the method of the display for sale or rental in shops of pornographic books, magazines, films or other pornographic reading or viewing material and the entrance of minors to such shops;
- (k) the operation of recreational vehicles and other vehicles not licensed under the *Highway Traffic Act*, including the requirement for licenses;
- (l) parking lots and parking garages and controlling or prohibiting the parking of commercial vehicles; and
- (m) taxis.

17.9.4 Subject to section 17.9.6, the Nunatsiavut Government may make laws in Labrador Inuit Lands in the Inuit Communities in relation to the following matters:

- (a) regulation of buildings and their use and occupancy;
- (b) services such as Water, sewer, lighting, waste removal and disposal, storm water drainage, snow clearance, removal and disposal, and the prevention, management and removal of core ice and ice in built-up areas;
- (c) the prohibition and control of noise or other nuisances;

- (d) parking lots and parking garages and controlling or prohibiting the parking of commercial vehicles; and
  - (e) public works, public places and public facilities.
- 17.9.5 If there is a Conflict between an Inuit Law under subsections:
- (a) 17.9.3(a) through (g) and a Law of General Application, the Law of General Application prevails to the extent of the Conflict;
  - (b) 17.9.3(h) through (m) and a Law of General Application, the Inuit Law prevails to the extent of the Conflict;
  - (c) 17.9.4(a) through (c) and a Law of General Application, the Law of General Application prevails to the extent of the Conflict; or
  - (d) 17.9.4(d) or (e) and a Law of General Application, the Inuit Law prevails to the extent of the Conflict.
- 17.9.6 The power of the Nunatsiavut Government to make laws in relation to the matters referred to in sections 17.9.3 and 17.9.4 is as extensive as the jurisdiction of municipalities under the *Municipalities Act, 1999*.
- 17.9.7 The power of the Nunatsiavut Government to make laws under sections 17.9.1, 17.9.3 and 17.9.4 with respect to a Person's interest in Labrador Inuit Lands is subject to parts 4.9, 4.15 and 12.13 and sections 12.7.9, 12.10.7, 12.10.22 and 12.12.2.
- 17.9.8 The Nunatsiavut Government may make laws in Labrador Inuit Lands and the Inuit Communities in relation to the following matters:
- (a) emergencies and search and rescue services;
  - (b) airports, landing strips and landing places, excluding regulation of aeronautics and aviation;
  - (c) piers, wharves, docks, marine facilities and harbours, excluding regulation of shipping, navigation and public harbours within the jurisdiction of Canada; and
  - (d) the control or prohibition of the operation and use of vehicles.
- 17.9.9 If there is a Conflict between an Inuit Law under section 17.9.8 and:
- (a) a Law of General Application, the Law of General Application prevails to the extent of the Conflict; or
  - (b) a Bylaw, the Inuit Law prevails to the extent of the Conflict.

**Part 17.10 Powers of the Nunatsiavut Government in Relation to the Control of Alcoholic Beverages and the Detention of Intoxicated Persons**

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.

17.10.2 Inuit Laws under section 17.10.1 must contain criteria that are comparable to the criteria applied to the issuance, suspension, cancellation, refusal and renewal of the classes of Alcoholic Beverage licences referred to in section 17.10.1 by the board of the Newfoundland and Labrador Liquor Corporation under the *Liquor Control Act*.

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.

- 17.10.4 The Nunatsiavut Government may make laws in relation to the control, restriction and prohibition of the possession, retail sale, and consumption of Alcoholic Beverages in Labrador Inuit Lands or in an Inuit Community or in specified areas in Labrador Inuit Lands or in an Inuit Community.
- 17.10.5 Notwithstanding sections 17.10.1 and 17.10.4, the Nunatsiavut Government may not set a price for Alcoholic Beverages lower than the minimum price under the *Liquor Control Act*.
- 17.10.6 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*.
- 17.10.7 The jurisdiction of the Nunatsiavut Government under section 17.10.1 or 17.10.4 does not include the jurisdiction to make laws in relation to the manufacture, import or export of Alcoholic Beverages.
- 17.10.8 The Nunatsiavut Government may make laws in relation to the detention of intoxicated persons. Prior to enacting any law under this section, the Nunatsiavut Government shall Consult the Province about:
- (a) the substance and implementation of such laws;
  - (b) the coordination of such laws with Provincial Laws in relation to the detention of intoxicated persons; and
  - (c) the coordination of the implementation of such laws with the implementation of Provincial Laws in relation to the detention of intoxicated persons.
- 17.10.9 If there is a Conflict between an Inuit Law under section 17.10.1, 17.10.4 or 17.10.8 and a Law of General Application, the Law of General Application prevails to the extent of the Conflict.

**Part 17.11 Powers of the Nunatsiavut Government in Relation to Environmental Protection**

- 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.
- 17.11.2 An Inuit Law under section 17.11.1 shall not apply to any undertaking in existence on the Effective Date.
- 17.11.3 If there is a Conflict between an Inuit Law under section 17.11.1 and a federal or Provincial Law, the federal or Provincial Law prevails to the extent of the Conflict.

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.

**Part 17.12 Powers of the Nunatsiavut Government in Relation to Education**

17.12.1 The Nunatsiavut Government may make laws in Labrador Inuit Lands and the Inuit Communities in relation to the following matters respecting education of Inuit:

- (a) early childhood development and education;
- (b) primary, elementary and secondary education;
- (c) adult basic education;
- (d) vocational and post-secondary education, training and certification;
- (e) the requirement for licences in addition to those required under Laws of General Application for Persons who provide educational services in Labrador Inuit Lands and the Inuit Communities;
- (f) premises, centres, facilities and buildings; and
- (g) boards, authorities or other entities to establish, manage and operate educational programs, services and related facilities.

17.12.2 The jurisdiction of the Nunatsiavut Government under subsection 17.12.1(d) does not extend to:

- (a) the certification of any trade in which apprenticeship and certification are required under Domestic Interjurisdictional Agreements; or
- (b) vocational or post-secondary education, training or certification provided pursuant to federal programs.

17.12.3 Inuit Laws under section 17.12.1 must require that:

- (a) instructors and workers who provide early childhood education and related services have appropriate training, education and certification as required by Laws of General Application; and
- (b) individuals teaching subjects other than Inuit language, culture and life skills have valid Provincial teaching certificates.

17.12.4 Inuit Laws under section 17.12.1 must establish standards intended to:



- (a) ensure that curriculum, examination and other standards allow for the transfer of students between school systems and admission to post-secondary institutions;
  - (b) protect and promote the health and development of children participating in early childhood development and education programs; and
  - (c) ensure that premises, centres, facilities and buildings are in good repair and are secure against the hazard of fire.
- 17.12.5 For purposes of subsections 17.12.3(b) and 17.20.1(f), "Inuit language, culture and life skills" includes Inuktitut, Inuktitut orthography, Inuit culture, Inuit traditional knowledge, Inuit history, Inuit studies, Environment and ecology, Inuit traditional skills, Inuit health and safety, Inuit spirituality and the Harvesting skills of Inuit, including land-based safety, nutritional, orienteering, survival, and related skills.
- 17.12.6 If there is a Conflict or an inconsistency between an Inuit Law under section 17.12.1 and a federal or Provincial Law, the Inuit Law prevails to the extent of the Conflict or inconsistency.

**Part 17.13 Powers of the Nunatsiavut Government in Relation to Health**

- 17.13.1 The Nunatsiavut Government may make laws in Labrador Inuit Lands and the Inuit Communities in relation to the following matters respecting the health of Inuit:
- (a) programs and services for health promotion, injury prevention, disease prevention and control and environmental health;
  - (b) public and community health care programs and services, including long term and chronic care programs and home care and home nursing services;
  - (c) addictions and substance abuse programs, services and related facilities including prevention and treatment of alcohol, substance and gambling addictions and abuse, counselling and after-care for addicts and abusers and the establishment, designation and operation of detoxification centres;
  - (d) promotion of mental health wellness, prevention of mental health problems and the provision of mental health support services;
  - (e) premises, centres, facilities and buildings;
  - (f) the procedures and requirements for obtaining the informed consent of Inuit with respect to medical care, treatment and donation or receipt of blood and blood products, organs, tissues and genetic material;
  - (g) health related research involving Inuit, including establishment of ethical standards for and the ethical review of medical research involving Inuit;

- (h) traditional healing and medicine and community healing, including the qualifications of practitioners of traditional healing and medicine and community healing, except in relation to products and substances regulated under Laws of General Application;
  - (i) the requirement for licences in addition to those required under Laws of General Application for Persons who provide health services in Labrador Inuit Lands and in Inuit Communities;
  - (j) requirements and standards related to Inuktitut interpretation and translation for health and medical purposes, including qualifications, certification and licensing of interpreters and translators who provide interpretation and translation services to or for health care professionals and workers and medical researchers and their patients, clients and subjects; and
  - (k) the creation of boards, authorities and other entities to establish, manage and operate health care and research programs, services and related facilities.
- 17.13.2 Inuit Laws under section 17.13.1 must require:
- (a) that health care professionals are licensed in accordance with Laws of General Application;
  - (b) reporting of communicable diseases and health care utilization statistics in accordance with Laws of General Application; and
  - (c) immunization in accordance with Provincial standards.
- 17.13.3 Inuit Laws under section 17.13.1 must establish standards intended to:
- (a) promote overall goals and objectives with respect to public health and safety; and
  - (b) ensure that facilities, including community health clinics, nursing stations, birthing centres, nursing homes, detoxification centres and hospitals, conform substantially to design and program standards applicable to health care facilities in communities of similar size and circumstance elsewhere in Newfoundland and Labrador.
- 17.13.4 If there is a Conflict between an Inuit Law under subsections 17.13.1(a) through (e) and a Law of General Application, the Law of General Application prevails to the extent of the Conflict.
- 17.13.5 If there is a Conflict or an inconsistency between a federal or Provincial Law and an Inuit Law under subsections 17.13.1(f) through (k), the Inuit Law prevails to the extent of the Conflict or inconsistency.

- 17.13.6 The Nunatsiavut Government has no jurisdiction to make laws in relation to:
- (a) the determination of the capacity of an individual to consent to a matter referred to in subsection 17.13.1(f); or
  - (b) subject to section 17.18.6, the determination as to who may be the guardian, committee, next friend, substitute decision maker or other legal representative of an individual who is determined not to have the capacity to consent to a matter referred to in subsection 17.13.1(f).

**Part 17.14 Powers of the Nunatsiavut Government in Relation to Income Support**

- 17.14.1 The Nunatsiavut Government may make laws in relation to income support programs and services provided by the Nunatsiavut Government for Inuit resident in Newfoundland and Labrador.
- 17.14.2 If there is a Conflict between an Inuit Law under section 17.14.1 and a Law of General Application, the Law of General Application prevails to the extent of the Conflict.
- 17.14.3 For greater certainty, rules and criteria governing eligibility for Provincial income support and related programs and services under Provincial Laws apply to Inuit who apply for Provincial income support and related programs and services while receiving Nunatsiavut Government income support and related programs and services.

**Part 17.15 Powers of the Nunatsiavut Government in Relation to Social, Family, Youth and Children's Services**

- 17.15.1 The Nunatsiavut Government may make laws in Labrador Inuit Lands and the Inuit Communities in relation to the following matters respecting social, family, youth and children's programs, services and facilities for Inuit:
- (a) programs and services for the protection, assistance, well being and development of children, youth and families, including programs and services that focus on prevention and early intervention as they relate to children, youth and families;
  - (b) the recruitment, approval, support and monitoring of residential services for children and youth, including caregivers, emergency housing, and group homes;
  - (c) the placement of children in approved residential services;
  - (d) child care services, including the licensing and monitoring of child care facilities and persons providing child care in private residences;

- (e) residential facilities, including emergency shelters, safe houses, transition houses and group homes for individuals suffering from neglect, abuse or harm or who are otherwise in need of rehabilitation, care, support, help or protection;
  - (f) programs, services and residential facilities for the assistance and development of individuals with special needs, in need of rehabilitation, care, support or help or who are unable to care fully for themselves;
  - (g) programs and services to prevent neglect, abuse of or harm to individuals, particularly women, disadvantaged adults and the elderly;
  - (h) programs and services to promote development of employment skills, traditional life skills and land-based skills and access to employment and Harvesting opportunities; and
  - (i) education, training, certification and licensing, in addition to licensing requirements under Laws of General Application, of Persons who provide social programs, services, including Inuktitut interpretation and translation services, and facilities to or for Inuit, in Labrador Inuit Lands and the Inuit Communities.
- 17.15.2 For greater certainty, Inuit Laws under section 17.15.1 must require that social work professionals be licensed in accordance with applicable Laws of General Application.
- 17.15.3 Inuit Laws under section 17.15.1 must establish standards intended to:
- (a) ensure that facility based services substantially conform to design and program standards of facilities providing similar programs or services in communities of similar size and circumstances elsewhere in Newfoundland and Labrador;
  - (b) ensure that programs and services are provided by or under the supervision of workers who have received appropriate training; and
  - (c) promote equality of access and opportunities for adults who are unable to care fully for themselves and the removal of barriers to their integration in the life of the Inuit Communities.
- 17.15.4 If there is a Conflict between an Inuit Law under section 17.15.1 and a federal or Provincial Law, the Inuit Law prevails to the extent of the Conflict.
- 17.15.5 The Nunatsiavut Government may make laws in Labrador Inuit Lands and the Inuit Communities in relation to:
- (a) children in need of protective intervention;

- (b) the removal of Inuit children from the parental home or the home of another person or from the custody or care of a parent, guardian or other person, related court procedures and the appropriate dispositions of Inuit children determined to be in need of protective intervention;
  - (c) the duty to report situations where a child may be in need of protective intervention; and
  - (d) the appointment of one or more individuals to protect and promote the rights of Inuit children, to ensure their proper care and treatment and to respond to those in need of protective intervention.
- 17.15.6 For purposes of section 17.15.5, a child is in need of protective intervention where the child:
- (a) is, or is at risk of being, physically harmed, sexually abused or exploited, or emotionally harmed by the action or lack of appropriate action by the child's parent, guardian or other caregiver;
  - (b) is, or is at risk of being, physically harmed, sexually abused or exploited, or emotionally harmed by any individual and the child's parent, guardian or other caregiver does not protect the child;
  - (c) is in the custody of a parent, guardian or other caregiver who refuses or fails to obtain or permit essential medical, psychiatric, surgical or remedial care or treatment to be given to the child when recommended by a qualified health practitioner;
  - (d) is abandoned;
  - (e) has no living parent, guardian or other caregiver, or a parent, guardian or other caregiver is unavailable to care for the child and has not made adequate provision for the child's care;
  - (f) has inadequate supervision; or
  - (g) is living in a situation where there is violence.
- 17.15.7 If there is a Conflict between an Inuit Law under subsection 17.15.5(a), (b) or (c) and a Law of General Application, the Law of General Application prevails to the extent of the Conflict. If there is a Conflict between an Inuit Law under subsection 17.15.5(d) and a Law of General Application, the Inuit Law prevails to the extent of the Conflict.
- 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.
- 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.
- 17.15.12 No one acting pursuant to an Inuit Law under subsection 17.15.1(g) or section 17.15.5 or under section 17.15.8 or 17.15.10 is liable for any act done in good faith in the reasonable belief that the act was necessary for the protection of the child or other individual.
- 17.15.13 Subject to section 17.28.2 and for greater certainty, the Nunatsiavut Government may make laws in Labrador Inuit Lands and the Inuit Communities in relation to the commission of offenses under Inuit Laws by Young Persons who are Inuit, including:
- (a) procedures for charging, adjudication and disposition of charges;
  - (b) extra-judicial measures similar to the extra-judicial measures programs provided for in the *Youth Criminal Justice Act*;
  - (c) programs for the prevention of offences against Inuit Laws by Young Persons who are Inuit; and
  - (d) the development and delivery of programs and services for Young Persons who are Inuit and who commit offences against Inuit Laws.

**Part 17.16 Nunatsiavut Government Programs and Services Outside Labrador Inuit Lands**

- 17.16.1 The Nunatsiavut Government may provide education, health, and social, family, youth and children's programs and services to, and operate facilities and

institutions for, Inuit resident in Newfoundland and Labrador outside Labrador Inuit Lands and the Inuit Communities, subject to Laws of General Application.

**Part 17.17 Powers of the Nunatsiavut Government in Relation to the Solemnization of Marriage**

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.

17.17.2 Individuals appointed by the Nunatsiavut Government to solemnize marriages:

- (a) shall be recognized by the Province as having authority to perform marriages under Provincial Law; and
- (b) have all the rights, duties and responsibilities associated with that authority under Provincial Law.

17.17.3 Inuit Laws in relation to the solemnization of marriage in Newfoundland and Labrador outside Labrador Inuit Lands and the Inuit Communities shall apply where one or both of the parties to the marriage is an Inuk and both parties consent in writing to the application of Inuit Laws.

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.

17.17.5 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.

**Part 17.18 Powers of the Nunatsiavut Government in Relation to Family Relationships**

17.18.1 The Nunatsiavut Government may make laws in relation to the recognition or establishment of authorities to provide conciliation, mediation and counselling in relation to the familial and domestic affairs of Inuit in Labrador Inuit Lands and the Inuit Communities.

17.18.2 The Nunatsiavut Government may make laws respecting the rights and obligations of Inuit in Labrador Inuit Lands and the Inuit Communities in relation to:

- (a) support of family members and dependents, including the support of spouses, cohabiting partners, children, parents, vulnerable family members and any other individuals who may be defined as dependents under Inuit Laws;
  - (b) the exercise of rights in relation to marital property;
  - (c) domestic contracts; and
  - (d) any other matter necessarily related to the determination of support, marital property or familial or domestic affairs, including enforcement procedures.
- 17.18.3 Inuit Laws under section 17.18.2 must accord rights to and provide for the protection of spouses, cohabiting partners, children, parents, vulnerable family members and individuals defined as dependents under Inuit Laws that are comparable to the rights and protections enjoyed by similarly situated individuals under Laws of General Application.
- 17.18.4 In a Legal Proceeding, Inuit Laws under section 17.18.2 apply to Inuit residing in Newfoundland and Labrador outside Labrador Inuit Lands and the Inuit Communities if the parties to the Legal Proceeding consent to the application of Inuit Laws and:
- (a) the marriage was solemnized in accordance with Inuit Laws;
  - (b) the last place where the parties were ordinarily resident in the same residence was in Labrador Inuit Lands or an Inuit Community; or
  - (c) there is a real and substantial connection between the parties and Labrador Inuit Lands or an Inuit Community.
- 17.18.5 An application for spousal or child support under an Inuit Law shall be stayed by the commencement of proceedings under the *Divorce Act* except by leave of a court of competent jurisdiction.
- 17.18.6 The Nunatsiavut Government may make laws in relation to custody or guardianship of, or access to, an Inuit child and incidents of custody, guardianship or access.
- 17.18.7 An Inuit Law under section 17.18.6 shall:
- (a) provide that the best interests of the child are the paramount consideration in the determination of custody or access;
  - (b) recognize the power of the court, including an Inuit Court, to impose any condition or give any directions it considers appropriate for the supervision of custody or access, including the issuance of an order restraining any individual from molesting, annoying, harassing or communicating with the



- child or a party or witness to a Legal Proceeding pursuant to an Inuit Law under section 17.18.6; and
- (c) apply to the custody of or access to or guardianship of an Inuit child residing in Newfoundland and Labrador outside Labrador Inuit Lands and the Inuit Communities only where the parent, parents, guardian or other Person having care of the child consents to the application of Inuit Laws.
- 17.18.8 An application for custody or access under an Inuit Law shall be stayed by the commencement of proceedings under the *Divorce Act* except by leave of a court of competent jurisdiction.
- 17.18.9 The Nunatsiavut Government may make laws in relation to the adoption of Inuit children in Newfoundland and Labrador.
- 17.18.10 An Inuit Law under section 17.18.9 shall:
- (a) provide that the best interests of the child are the paramount consideration in determining whether an adoption will take place;
- (b) stipulate that the Nunatsiavut Government provide the Province with records of all adoptions occurring under Inuit Laws; and
- (c) apply to the adoption of an Inuit child in Newfoundland and Labrador outside Labrador Inuit Lands and the Inuit Communities only where the parent, parents, guardian or other Person having care of the Inuit child consents to the application of Inuit Laws.
- 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.
- 17.18.13 The participation of the Nunatsiavut Government in a court hearing referred to in section 17.18.12 shall, without derogating from section 17.18.12, be in accordance with the applicable rules of court and shall not affect the court's ability to control its own process.
- 17.18.14 If there is a Conflict between an Inuit Law under section 17.18.1, 17.18.2, 17.18.6 or 17.18.9 and a Provincial Law of General Application, the Inuit Law prevails to the extent of the Conflict.
- 17.18.15 Nothing in this part gives jurisdiction to the Nunatsiavut Government to make laws in relation to divorce or divorce proceedings, including matters of custody or child and spousal support related to divorce and divorce proceedings.
- Part 17.19 Powers of the Nunatsiavut Government in Relation to Housing**
- 17.19.1 Subject to section 17.19.2, the Nunatsiavut Government may make laws with respect to the development of Labrador Inuit Lands for housing purposes and for the construction, maintenance, allocation, control, improvement, renovation and removal of housing in Labrador Inuit Lands and housing owned by an Inuit Government in the Inuit Communities.
- 17.19.2 Housing provided by the Nunatsiavut Government pursuant to an Inuit Law under section 17.19.1 must meet or exceed standards established under federal and Provincial building codes.

17.19.3 If there is a Conflict between an Inuit Law under section 17.19.1 and a federal or Provincial Law, the Inuit Law prevails to the extent of the Conflict.

**Part 17.20 Intergovernmental Co-operation and Other Arrangements**

17.20.1 The Nunatsiavut Government and the Province and, when appropriate, Canada, shall, as the Parties may agree is necessary, enter negotiations or co-operative arrangements that the appropriate Parties consider necessary or desirable for the implementation of this part, including negotiations or arrangements respecting:

- (a) the standards to be met by the Nunatsiavut Government to allow students of schools operated under Inuit Laws to transfer between school systems at each grade level and receive Provincial graduation certificates;
- (b) the transfer to the Nunatsiavut Government of existing schools, nursing stations and health facilities, public housing and social service facilities in the Inuit Communities;
- (c) actions to be taken if there has been a chronic and persistent failure to ensure that a program, service or facility provided by the Nunatsiavut Government pursuant to an Inuit Law under section 17.13.1 meets the requirements of section 17.13.3 and that failure places the health or safety of residents of Labrador Inuit Lands or an Inuit Community at significant risk;
- (d) insurance matters other than publicly funded health insurance or publicly funded employment insurance;
- (e) the provision of Inuit Government facilities, programs and services to Non-Beneficiaries in Labrador Inuit Lands and the Inuit Communities;
- (f) the delivery by the Nunatsiavut Government of Inuit Government programs and services with respect to the teaching of Inuit language, culture and life skills, early childhood development and education, health services and social services to Inuit who reside outside Labrador Inuit Lands and the Inuit Communities;
- (g) transfers and referrals of patients and clients between the programs, facilities and institutions of the Nunatsiavut Government and those of the Province;
- (h) the delivery of programs and services in relation to occupational health and safety;
- (i) standards referred to in sections 17.12.4, 17.13.3 and 17.15.3;

- (j) the administration and delivery by the Nunatsiavut Government of Provincial programs and services to all residents of the Inuit Communities and any variation of those programs and services;
- (k) reciprocal enforcement arrangements;
- (l) the collection, transfer, exchange and confidentiality of data, statistics, information and records; and
- (m) representation of Non-Beneficiaries on subordinate elected or appointed boards established by the Nunatsiavut Government, if any, administering health, education and social services provided to all residents of the Inuit Communities.

**Part 17.21 Federally Funded Programs**

- 17.21.1 Canada and the Nunatsiavut Government may negotiate the assumption of authority by the Nunatsiavut Government over the design, management, administration and delivery of federal programs or services for Inuit throughout Canada.

**Part 17.22 Gambling, Gaming and Lotteries**

- 17.22.1 Neither Canada nor the Province may license or approve gambling, gaming or lottery facilities established after the Effective Date in Labrador Inuit Lands or the Inuit Communities except in accordance with terms and conditions established by the Nunatsiavut Government that are not inconsistent with Laws of General Application.
- 17.22.2 If at any time federal or Provincial Legislation permits the involvement of aboriginal peoples in the regulation of gambling, gaming or lotteries such Legislation will, with the consent of the Nunatsiavut Government, apply to Inuit Government.

**Part 17.23 Labour Relations**

- 17.23.1 Inuit Government is subject to federal Laws respecting labour relations and working conditions.
- 17.23.2 During a strike or lockout not prohibited under federal Law, Inuit Government, the trade union and the employees in the bargaining unit must continue the supply of services, operation of facilities or production of goods to the extent necessary to prevent an immediate and serious danger to the safety or health of the public. Notwithstanding chapter 21, any dispute or difference over the interpretation or application of this section shall be submitted to the Canada Industrial Relations

Board for resolution in accordance with the provisions of section 87.4 of the *Canada Labour Code, R.S.C. 1985, c L-2*.

**Part 17.24 Powers of the Nunatsiavut Government in Relation to Wills, Estates and the Descent of Property**

- 17.24.1 The Nunatsiavut Government may make laws in relation to the transfer either by will or on intestacy of interests in Labrador Inuit Lands that have been acquired under Inuit Laws.
- 17.24.2 Nothing in section 17.24.1 shall be construed as providing the Nunatsiavut Government with jurisdiction to make laws in relation to the probate of wills or the administration of estates.
- 17.24.3 If there is a Conflict or an inconsistency between an Inuit Law under section 17.24.1 and a federal or Provincial Law, the Inuit Law prevails to the extent of the Conflict or inconsistency.

**Part 17.25 Powers of the Nunatsiavut Government in Relation to Inuktitut and Inuktitut Orthography in the Province**

- 17.25.1 The Nunatsiavut Government may make laws to preserve and promote Inuktitut and in relation to Inuktitut orthography and the certification of Inuktitut teachers, interpreters and translators throughout Newfoundland and Labrador.
- 17.25.2 If there is a Conflict or an inconsistency between an Inuit Law under section 17.25.1 and a federal or Provincial Law, the Inuit Law prevails to the extent of the Conflict or inconsistency.

**Part 17.26 Powers of the Nunatsiavut Government in Relation to Intoxication and Control of Intoxicants**

- 17.26.1 The Nunatsiavut Government may make laws in relation to the safe storage, retail sale, exchange, possession and consumption of substances capable of producing an intoxicated state, excluding Alcoholic Beverages, in Labrador Inuit Lands and the Inuit Communities.
- 17.26.2 If there is a Conflict between an Inuit Law under section 17.26.1 and a Law of General Application, the Law of General Application prevails to the extent of the Conflict.

**Part 17.27 Canada's International Legal Obligations**

- 17.27.1 This part is subject to sections 12.14.3, 13.14.2 and 20.2.4 but applies notwithstanding any other provision of the Agreement.

- 17.27.2 For greater certainty, reference to Canada's international legal obligations in the Agreement includes those that are in force on or after the Effective Date.
- 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.
- 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.
- 17.27.5 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*.
- 17.27.7 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 does not cause Canada to be unable to perform such international legal obligation, Canada shall take no further action, for this reason, directed at changing the Inuit Law or Bylaw or other exercise of power by the Inuit Government.
- 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.
- 17.27.9 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 section 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.

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.

**Part 17.28 General Provisions Respecting Administration of Justice**

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.

17.28.2 Nothing in the Agreement confers jurisdiction in relation to criminal law, including criminal procedure, on Inuit Government.

17.28.3 Subject to section 17.28.4, Inuit Laws may provide for the imposition of sanctions including a term of imprisonment, or fine, or both, on Persons convicted of violations of Inuit Laws.

17.28.4 Terms of imprisonment or fines for a violation of an Inuit Law may be no greater than those that may be imposed under section 787(1) of the *Criminal Code of Canada*, except that:

- (a) an Inuit Law may provide for a fine of up to \$10,000.00 or the amount applicable to summary conviction offences under section 787(1) of the *Criminal Code of Canada*, whichever is greater;
  - (b) an Inuit Law in relation to protection of the Environment pursuant to section 17.11.2 may provide for a fine that is no greater than the fine that may imposed for offences punishable upon summary conviction under the *Canadian Environmental Protection Act*; and
  - (c) an Inuit Law in relation to taxation may provide for longer terms of imprisonment and higher fines where there is an agreement to that effect made in accordance with section 20.3.1.
- 17.28.5 A Bylaw may provide for the imposition of penalties and sanctions as a consequence of its violation but any penalties or sanctions prescribed by a Bylaw shall be no more severe than those that may be imposed under the *Municipalities Act, 1999*.
- 17.28.6 The Nunatsiavut Government and an Inuit Community Government, as the case may be, may make laws in relation to the initiation of the process to be applied to a Person alleged to have committed a violation of an Inuit Law or a Bylaw, including judicial proceedings, ticketing or by any other means.
- Part 17.29 Inuit Law Enforcement**
- 17.29.1 The Nunatsiavut Government has the jurisdiction to make laws for the enforcement of Inuit Laws and is responsible for the enforcement of Inuit Laws.
- 17.29.2 The power of the Nunatsiavut Government to make laws pursuant to section 17.29.1 includes the jurisdiction to make laws for:
- (a) the appointment of officers to enforce Inuit Laws;
  - (b) powers of enforcement, provided such powers shall not exceed those provided by laws of Canada or the Province for enforcing similar laws in Newfoundland and Labrador; and
  - (c) training and accountability standards for its officers.
- 17.29.3 Unless the Parties otherwise agree, nothing in section 17.29.2 permits the carriage or use of firearms by enforcement officers appointed under section 17.29.2.
- 17.29.4 The Nunatsiavut Government shall provide a procedure to deal with allegations of misconduct by officers appointed to enforce Inuit Laws.
- 17.29.5 The Nunatsiavut Government may make laws for the establishment, organization, maintenance, administration and regulation of an Inuit Law enforcement agency to enforce Inuit Laws.



- 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.

**Part 17.30 Inuit Community Bylaw Enforcement**

- 17.30.1 The power of an Inuit Community Government to make a Bylaw in relation to a matter includes the power to provide for the enforcement of the Bylaw and to appoint enforcement officers for that purpose.
- 17.30.2 A Bylaw shall specify the powers of officers appointed to enforce that Bylaw but such powers shall be no greater than the powers provided to officers under section 179 of the *Municipalities Act, 1999*.

**Part 17.31 Inuit Court**

- 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*.
- 17.31.3 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 under section 17.31.10.
- 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.
- 17.31.7 Only the Nunatsiavut Government may appoint judges to the Inuit Court.
- 17.31.8 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.
- 17.31.9 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.
- 17.31.10 The Inuit Court has the jurisdiction to adjudicate violations of Inuit Laws and Bylaws and matters arising under Inuit Laws or Bylaws.
- 17.31.11 Notwithstanding sections 17.31.10 and 17.31.13, the Inuit Court shall not exercise jurisdiction over any matter that is within the exclusive jurisdiction of a superior court of the Province.
- 17.31.12 The Inuit Court may hear appeals of administrative decisions under Inuit Laws.
- 17.31.13 Canada or the Province may, with the consent of the Nunatsiavut Government, confer jurisdiction on the Inuit Court.
- 17.31.14 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.

- 17.31.15 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 Newfoundland and Labrador.
- 17.31.16 The Nunatsiavut Government may establish any other processes it considers appropriate for the alternative resolution of disputes arising under Inuit Laws, on condition that the parties to the dispute consent to the application of the process and to any remedy granted pursuant to the process.
- 17.31.17 Inuit Laws may provide for administrative appeal bodies in relation to the administration of Inuit Laws and Bylaws. Any Person directly affected by a decision that may be appealed to an administrative appeal body under Inuit Laws may appeal the decision to that body.
- 17.31.18 The Nunatsiavut Government may establish alternative measures programs similar to the alternative measures programs provided for in the *Criminal Code* to deal with persons accused of offences under Inuit Laws.
- 17.31.19 In proceedings in which a Non-Beneficiary accused may receive a sentence of imprisonment under an Inuit Law or a Bylaw, the accused may elect to be tried in the Provincial Court.
- 17.31.20 The Inuit Court may not impose on a Non-Beneficiary without the Non-Beneficiary's consent a sanction or penalty of a kind other than a sanction or penalty that might be imposed under Laws of General Application.
- 17.31.21 A decision, ruling, order or judgment of the Inuit Court may be appealed according to the following:
- (a) with respect to a conviction, acquittal or sentence in relation to a violation of an Inuit Law, on the same basis as summary conviction appeals, under the *Criminal Code of Canada*;
  - (b) with respect to a decision, ruling, order or judgment in relation to a dispute arising under an Inuit Law, to the Supreme Court, on the same basis as a similar decision could be appealed from the Provincial Court;
  - (c) with respect to a decision of an Inuit Court under section 17.31.14, to the Supreme Court, on the grounds that the Inuit Court made an error of jurisdiction or Law or a palpable or overriding error of fact.
- 17.31.22 The Supreme Court has:
- (a) jurisdiction in respect of applications for judicial review of administrative decisions of Inuit Government, but no application for judicial review may be brought until all the procedures for appeal provided for under Inuit Laws have been exhausted; and

- (b) originating jurisdiction to hear matters arising under an Inuit Law that are not within the jurisdiction of the Inuit Court.

17.31.23 The Nunatsiavut Government shall be responsible for the prosecution of all offences arising out of Inuit Laws and an Inuit Community Government shall be responsible for the prosecution of all offences arising out of its Bylaws. The Nunatsiavut Government and the Inuit Community Governments may carry out these prosecutions by appointing individuals to conduct their respective prosecutions in a manner consistent with the relevant principles of prosecutorial independence.

**Part 17.32 Corrections**

17.32.1 The Nunatsiavut Government may make laws for the establishment, organization, maintenance, administration and regulation of a correctional service, including the establishment of correctional facilities.

17.32.2 The Inuit Correctional Service shall have the powers and responsibilities necessary for the development and delivery of programs and services for adult Inuit offenders convicted of offences under Inuit Laws.

17.32.3 The Inuit Correctional Service and its members shall be responsive to the cultural values of Inuit.

**Part 17.33 Correctional Facilities**

17.33.1 Notwithstanding sections 17.32.1 and 17.32.2, the Nunatsiavut Government may not establish prisons or other places of confinement, including secure custody facilities for youth, except for lockups or jails, unless otherwise agreed to by the Parties.

17.33.2 Nothing in section 17.33.1 shall be construed so as to limit the power of the Nunatsiavut Government to establish healing centres, group homes, halfway houses or other facilities for Inuit offenders convicted of offences under Inuit Laws.

17.33.3 If the Nunatsiavut Government establishes a jail or lockup it shall also establish standards with respect to the administration and operation of such jail or lockup that are intended to achieve compliance with the “United Nations Standard Minimum Rules for the Treatment of Prisoners” as applicable in Newfoundland and Labrador.

17.33.4 Members of the Inuit Correctional Service employed in a facility established under section 17.32.1 who are so designated by the Nunatsiavut Government shall have the powers, duties, privileges, liabilities, responsibilities and protections of a peace officer when discharging a function under an Inuit Law.

- 17.33.5 If there is a Conflict between standards established under an Inuit Law under section 17.32.1 or 17.32.2 and a Law of General Application, the Law of General Application prevails to the extent of the Conflict.
- 17.33.6 An Inuit Community Government may not establish penitentiaries, prisons, jails, youth secure facilities or other places of confinement.

**Part 17.34 Collection of Fines**

- 17.34.1 Subject to an agreement under section 17.28.1, any fine collected by the Provincial Court for a violation of an Inuit Law or a Bylaw shall be paid to the Nunatsiavut Government or the Inuit Community Government, as the case may be, on a similar basis as the Province makes payments to Canada or municipalities for fines that may be collected by the Province for a violation of a federal Law or municipal regulation.

**Part 17.35 Advocacy and Appearance before the Inuit Court**

- 17.35.1 Subject to sections 17.35.2 and 17.35.3, the Nunatsiavut Government may make laws in respect of the performance of services in relation to Inuit Laws and Bylaws, including:
- (a) advocacy and appearances before the Inuit Court;
  - (b) advising on, evaluating and interpreting Inuit Laws and Bylaws; and
  - (c) drawing, preparing, revising or settling documents under or in relation to Inuit Laws and Bylaws.
- 17.35.2 The Nunatsiavut Government has no jurisdiction under section 17.35.1 to make laws that would affect the authority of the Law Society of Newfoundland and Labrador, the Supreme Court or the Provincial Court.
- 17.35.3 Persons having a right of appearance before the Provincial Court shall have a right of appearance before the Inuit Court.
- 17.35.4 If there is a Conflict or an inconsistency between an Inuit Law under section 17.35.1 and a federal or Provincial Law, the Inuit Law prevails to the extent of the Conflict or inconsistency.

**Part 17.36 Liability**

- 17.36.1 The Nunatsiavut Government may make laws to provide for the protection of judges of the Inuit Court and other Inuit Government authorities to prevent the bringing of legal proceedings and to establish other measures for the protection of judges of the Inuit Court and other authorities of Inuit Government, but the

protection to be provided in accordance with such laws shall not be more extensive than the protection provided for justices and other public authorities in accordance with the *Justices and Public Authorities Protection Act*.

**Part 17.37 Indemnity**

- 17.37.1 The Nunatsiavut Government shall indemnify and save harmless Canada and the Province and their respective employees and agents from any and all claims, losses, damages, costs, expenses or liabilities that may arise directly or indirectly out of any negligent act or omission of any institution of the Nunatsiavut Government or its members, employees, officers or agents.
- 17.37.2 Each Inuit Community Government shall indemnify and save harmless the Nunatsiavut Government, Canada and the Province and their respective employees and agents from any and all claims, losses, damages, costs, expenses or liabilities that may arise directly or indirectly out of any negligent act or omission of any institution of the Inuit Community Government or its respective members, employees, officers or agents.
- 17.37.3 Canada and the Province shall indemnify and save harmless the Nunatsiavut Government and each Inuit Community Government and their respective employees and agents from any and all claims, losses, damages, costs, expenses or liabilities that may arise directly or indirectly out of any negligent act or omission of any institution of Canada or the Province or their respective members, employees, officers or agents.

**Part 17.38 Establishment of Inuit Community Governments**

- 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.
- 17.38.3 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.
- 17.38.4 Bylaws made by an Inuit Community Government apply only within the boundaries of that Inuit Community.

**Part 17.39 Boundaries of the Inuit Communities**

- 17.39.1 On the Effective Date the boundaries of each of the Inuit Communities are as set out in the Map Atlas (shown for illustrative purposes only in schedules 17-A, 17-B, 17-C, 17-D and 17-E) and described in appendices B-1 Part 2, B-2 Part 2, B-3 Part 2, B-4 Part 2 and B-5 Part 2.
- 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.

**Part 17.40 Inuit Community Government Structure**

- 17.40.1 The legislative authority of each Inuit Community Government shall be vested in an elected Inuit Community Council composed of an AngajukKak and Inuit Community Councillors.
- 17.40.2 The executive authority of each Inuit Community Government shall be vested in the AngajukKak and shall be exercised subject to Inuit Laws and Bylaws.
- 17.40.3 The AngajukKak shall be elected at large and shall be an Inuk ordinarily resident in the Inuit Community.
- 17.40.4 The Labrador Inuit Constitution shall provide for the election of Inuit Community Councils at regular intervals, not to exceed five years. All Inuit Community Government elections shall be held on the same date.
- 17.40.5 Subject to sections 17.40.10 and 17.40.13, Residents and Descendants in an Inuit Community are eligible to vote and to seek elected office in an Inuit Community Government in that portion of an Inuit Community Council set aside under section 17.40.7.
- 17.40.6 Except as provided in 17.40.3, New Residents are eligible to vote and to seek elected office in only that portion of an Inuit Community Council set aside under section 17.40.11.
- 17.40.7 No less than 75 percent of the seats for each Inuit Community Council shall be set aside for Inuit ordinarily resident in the Inuit Community and Residents and Descendants ordinarily resident in the Inuit Community.
- 17.40.8 The portion of an Inuit Community Council set aside under section 17.40.7 includes the AngajukKak.

- 17.40.9 A Resident or a Descendant may choose to vote and to seek elected office in that portion of an Inuit Community Council set aside for New Residents under section 17.40.11.
- 17.40.10 A choice made under section 17.40.9 is irrevocable and a Resident or a Descendant who makes the choice under section 17.40.9 loses all rights under section 17.40.5 and status as a Resident or Descendant. That Resident or Descendant shall then be absolutely deemed to be a New Resident for purposes of sections of 17.40.6 and 17.40.11.
- 17.40.11 The number of Inuit Community Council seats set aside in an Inuit Community Government for New Residents shall be in proportion to the ratio of the total number of New Residents who are eligible to vote to the total number of eligible voters in an Inuit Community Government election. The number of seats set aside under this section shall never be more than 25 percent of Inuit Community Council seats or less than one Inuit Community Council seat.
- 17.40.12 A Resident or a Descendant shall not lose any rights under section 17.40.5 or status as a Resident or Descendant when moving among the Inuit Communities.
- 17.40.13 A Resident or a Descendant who becomes ordinarily resident in a place other than an Inuit Community shall lose all rights under section 17.40.5 and status as a Resident or Descendant and such rights and status may not be reinstated.
- 17.40.14 Subject to any further qualifications that may be set out in an Inuit Law under subsection 17.7.3(b) and procedures and rules that may be established pursuant to subsections 17.3.3(b) and 17.3.3(e), an individual:
- (a) is eligible to vote in an Inuit Community Government election if that individual has been ordinarily resident in the Inuit Community for 30 days immediately prior to the election; and
  - (b) is eligible to seek elected office in an Inuit Community Government if that individual has been ordinarily resident in the Inuit Community for six months immediately prior to Inuit Community Government elections.
- 17.40.15 All Persons in an Inuit Community are subject equally to Bylaws under sections 17.41.1 and 17.41.3. For greater certainty, an Inuit Community Government cannot make laws specifically in relation to Inuit except where the authority to do so has been delegated by the Nunatsiavut Government.
- 17.40.16 An Inuit Community Government shall, in the exercise of its powers under sections 17.41.1 and 17.41.3, be subject to the *Human Rights Code*.
- 17.40.17 Each Inuit Community Government:
- (a) is responsible to the residents of the Inuit Community;
  - (b) is financially accountable to the residents of the Inuit Community; and



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

**Part 17.41 Inuit Community Government Bylaws**

17.41.1 Without restricting the overall jurisdiction of the Nunatsiavut Government, each Inuit Community Government has the power to make laws respecting the following local or municipal matters within its boundaries:

- (a) the establishment of a system of administration for the Inuit Community Government;
- (b) access to information held by the Inuit Community Government;
- (c) subject to sections 17.42.2 to 17.43.3, the management, administration and disposition of Community Lands;
- (d) community parks, recreation, amusements, entertainment and entertainment facilities, and public waiting areas;
- (e) subject to section 17.28.5, the enforcement of Bylaws, including the appointment of Bylaw enforcement officers;
- (f) curfews;
- (g) community economic development, including tourism and the establishment of business improvement areas;
- (h) public libraries;
- (i) shop closing, billboards and public advertising, street trading and vending;
- (j) community public works, public places and public facilities;
- (k) the use of a stand or vehicle, whether or not that stand or vehicle is self moving, drawn by another vehicle or person or is temporarily or permanently stationary, or is a stand or vehicle for the sale of food or goods;
- (l) the method of the display for sale or rental in shops of pornographic books, magazines, films or other pornographic reading or viewing material and the entrances of minors into such shops;
- (m) the operation of recreational vehicles and other vehicles not licensed under the *Highway Traffic Act*, including the requirement for licences;
- (n) parking lots and parking garages and controlling or prohibiting the parking of commercial vehicles in the Inuit Community;

- (o) taxis; and
  - (p) generally other matters of a local or municipal nature as agreed by the Nunatsiavut Government and the Province and, where appropriate, Canada.
- 17.41.2 If there is a Conflict between a Bylaw under subsections 17.41.1(a) through (o) and a Law of General Application, the Bylaw prevails to the extent of the Conflict. Paramourcy in the event of a Conflict of Laws in relation to any matter referred to in subsection 17.41.1(p) will be by agreement of the Parties.
- 17.41.3 Subject to section 17.41.5, each Inuit Community Government has the power to make laws respecting the following local or municipal matters within its boundaries:
- (a) prevention of pollution of Water in the Inuit Community used by the Inuit Community Council for the provision of municipal Water supply or necessary for the future use of the Inuit Community;
  - (b) the prevention and remediation of erosion;
  - (c) zoning in conformity with chapter 10, the regulation of buildings and their use and occupancy and the designation and protection of heritage buildings and spaces;
  - (d) the provision of services such as Water, sewer, lighting, waste removal and disposal, storm water drainage, snow clearance, removal and disposal, and the prevention, management and removal of core ice and ice in built-up areas;
  - (e) fire protection and fire fighting services;
  - (f) prohibition and control of noise or other nuisances;
  - (g) cemeteries and crematoria;
  - (h) care and keeping of livestock, poultry and pets, the impoundment and disposal of any animal improperly at large or diseased, and the burial and disposal of dead animals or animal parts; and
  - (i) the licensing of businesses.
- 17.41.4 If there is a Conflict between a Bylaw under section 17.41.3 and a Law of General Application, the Law of General Application prevails to the extent of the Conflict.
- 17.41.5 The power of the Inuit Community Government to make Bylaws in relation to the matters referred to in sections 17.41.1 and 17.41.3 is as extensive as the jurisdiction of municipalities under the *Municipalities Act, 1999*.
- 17.41.6 Any decision of an Inuit Community Council respecting:

- (a) a matter under section 17.41.1 or 17.41.3; or
- (b) any other matter that is within the authority of the Nunatsiavut Government that has been delegated to an Inuit Community Government and that will apply to all residents of the Inuit Community,

shall be voted on only by Inuit Community Councillors other than those who are representatives of Inuit under an Inuit Law made pursuant to section 17.7.3, and shall be decided by at least a simple majority of those Inuit Community Councillors eligible to vote and who are present when the vote is taken.

- 17.41.7 Any decision of an Inuit Community Council respecting a matter that affects only Inuit under the Agreement shall be voted on only by Inuit Community Councillors who are Inuit and shall be decided by at least a simple majority of those Inuit Community Councillors eligible to vote and who are present when the vote is taken.

**Part 17.42 Land Within Inuit Communities**

- 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.
- 17.42.2 The transfer of freehold title under section 17.42.1 shall 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, and lands transferred under section 17.42.1 are not Labrador Inuit Lands.
- 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.
- 17.42.4 For greater certainty, a Surface Interest assigned under section 17.42.3:
- (a) continues in accordance with its terms and conditions; and
  - (b) vests fully in the Inuit Community Government upon its expiration if the holder of the Surface Interest chooses not to renew or extend it.
- 17.42.5 If:
- (a) the holder of a Surface Interest referred to in section 17.42.3 has 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 assignment under section 17.42.3; or

- (b) the term of the Surface Interest referred to in section 17.42.3 is five years or more,

and the holder chooses to renew or extend the interest prior to the expiration of the interest, the holder shall make application to the Inuit Community Government to renew or extend the interest.

- 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.

**Part 17.43 Public Utilities Easements**

- 17.43.1 The Inuit Community Government has the exclusive authority to issue public utility easements on Community Lands, subject to section 17.43.2.
- 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.
- 17.43.4 Notwithstanding part 4.15, Laws of General Application apply to entry and access to Labrador Inuit Lands in the Inuit Communities.

**Part 17.44 Quarry Materials**

- 17.44.1 An Inuit Community Government shall not charge fees to the Province or its contractors, agents or assigns for access to approved Quarry Material sites in Community Lands where that access is required for purposes of public works in the Inuit Community. The Province will not charge any fee or Royalty Tax to an Inuit Community Government or its contractors, agents or assigns with respect to approved Quarry Material sites in Community Lands where the Quarry Material is required for purposes of public works in the Inuit Community.
- 17.44.2 Except for lands referred to in section 17.44.3, lands within the boundaries of an Inuit Community, including lands owned in freehold, shall be subject to Bylaws under sections 17.41.1 and 17.41.3.
- 17.44.3 Lands within the boundaries of an Inuit Community and any buildings, appurtenances or fixtures thereon, under the control and administration of the Nunatsiavut Government shall be exempt from Bylaws under section 17.41.1 or 17.41.3, to the same extent that lands under the administration and control of Canada or the Province, and any buildings, appurtenances or fixtures thereon are exempt from Bylaws.