

Labrador Inuit Land Claims Agreement Act

Bill C-56

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News Release, Background and FAQ
Bill and Clause-by-Clause Analysis
Issue Papers and Reference Materials

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Proposed Labrador Inuit Land Claims Agreement Act

*Proposed Inuit Land Claims
Agreement Act*

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Overview

OVERVIEW

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BACKGROUND

The purpose of the proposed *Labrador Inuit Land Claims Agreement Act* is to give effect to the Labrador Inuit Land Claims Agreement, signed by the Labrador Inuit Association, the Government of Newfoundland and Labrador and the Government of Canada on January 22, 2005.

The Government of Newfoundland and Labrador introduced, passed and gave Royal Assent to the *Labrador Inuit Land Claims Agreement Act* on December 6, 2004.

The signing of the Labrador Inuit Land Claims Agreement was the first of two steps in Canada's ratification process. The proposed *Act* is the second and final step in the federal ratification process.

WHAT THE LEGISLATION DOES

The *Labrador Inuit Land Claims Agreement Act* is intended to give effect and force of law to the Labrador Inuit Land Claims Agreement and the Tax Treatment Agreement.

The Bill includes a preamble, and provides for the Governor in Council to make any

necessary regulations to implement the Agreement. The Bill also makes related and consequential amendments to other federal acts.

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

The draft Labrador Inuit Land Claims Agreement Act provides for amendments to the following:

- the *Access to Information Act*
- the *Canada National Parks Act*
- the *Canada-Newfoundland Atlantic Accord Implementation Act*
- the *Lobbyists Registration Act*
- the *Payments in Lieu of Taxes Act*
- the *Privacy Act*



B





News Release and Highlights

News Release Communiqué

2-02621

LABRADOR INUIT LAND CLAIMS BILL INTRODUCED

OTTAWA (June 6, 2005) - The *Labrador Inuit Land Claims Agreement Act* was introduced in the House of Commons today by the Honourable Andy Scott, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians.

The proposed legislation would bring into effect the agreement signed by the Labrador Inuit Association (LIA), Newfoundland and Labrador and Canada on January 22, 2005.

The Agreement sets out details of land ownership, resource sharing and self-government. The Agreement provides for the establishment of the Labrador Inuit Settlement Area (Settlement Area) totalling approximately 72,500 square kilometres (28,000 square miles) of land in northern Labrador, including 15,800 square kilometres (6,100 square miles) of Inuit-owned lands, known as Labrador Inuit Lands. The Settlement Area also includes an adjacent Ocean Zone of 48,690 square kilometres (18,800 square miles). The Agreement also provides for the establishment of the Torngat Mountains National Park Reserve, consisting of approximately 9,600 square kilometres (3,700 square miles) of land within the Settlement Area.

Under the terms of the Agreement, Canada will transfer \$140 million to the Labrador Inuit, as well as \$156 million for the implementation of the Agreement.

“The Agreement we have built with our partners is a landmark as the first modern-day treaty negotiated in Atlantic Canada. The enactment of this legislation will mean certainty over land use and title is established in Labrador, opening up many opportunities for Inuit and non-Inuit residents. In addition, self-government provisions in the agreement ensure Labrador Inuit will play the key role in decision-making processes that will shape their future,” said Minister Scott.

“We have been anxiously awaiting this day since we first began negotiations 30 years ago. It has been a long process. Land claims settlement and self-government were always LIA's core goals and are now close to being our proudest achievements. This is a first for Newfoundland and Labrador and for Atlantic Canada. As the last Inuit agreement in Canada, it closes the circle of

.../2

Inuit negotiations. Today's events signal opportunity and hope for future partnerships. Labrador Inuit look forward now to shaping our own destiny and participating in the business of building this country," said LIA President William Andersen III.

The Labrador Inuit Land Claims Agreement was ratified by 76 per cent of eligible Labrador Inuit voters on May 26, 2004 with an 86.5 per cent voter turnout.

Members of the Newfoundland and Labrador House of Assembly passed and gave Royal Assent to provincial legislation on December 6, 2004 to give effect to the *Labrador Inuit Land Claims Agreement Act*.

The passage of federal legislation to give effect to the Agreement is the final ratification stage.

This news release is also available on the Internet at www.ainc-inac.gc.ca.

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Background

The Proposed Labrador Inuit Land Claims Agreement Act

The proposed Labrador Inuit Land Claims Agreement Act is intended to give effect to the Labrador Inuit Land Claims Agreement that was signed by the Labrador Inuit, the Government of Newfoundland and Labrador and the Government of Canada on January 22, 2005. It will also give effect to the Tax Treatment Agreement negotiated amongst the parties.

The proposed Act also makes consequential amendments to a number of other federal acts, including the *Access to Information Act*, the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Act*, and the *Canada National Parks Act*.

The Agreement provides for the creation of the Torngat Mountains National Park Reserve of Canada. This will be the first national park reserve to be established in Labrador.

The Agreement is the first modern treaty in Atlantic Canada and the third combined land claim / self-government agreement negotiated in Canada.

Consultations with industry, local communities and other affected groups have demonstrated solid support for the Agreement. The Agreement will result in greater certainty with respect to the ownership and use of lands and resources in northern and central Labrador, and will clarify the exercise of governance and jurisdiction, for all levels of government.

The Agreement does not address rights for any Aboriginal people of Canada other than the Labrador Inuit and it is not intended to affect the Aboriginal rights that other Aboriginal people may have in the Labrador Inuit Settlement Area.

Support for the Labrador Inuit Land Claims Agreement within the Inuit community is extremely strong. On May 26, 2004, 76 percent of eligible voters voted in favour of the Agreement, with 86.5 per cent of all eligible voters turning out to cast their vote. This is one of the highest support levels and voter turnout for any land claims agreement.

Members of the Newfoundland and Labrador House of Assembly passed provincial legislation on December 6, 2004 to give effect to the *Labrador Inuit Land Claims Agreement Act*. The Act received Royal Assent the same day.

With the introduction of the Labrador Inuit Land Claims Agreement Act, Parliamentary approval is being sought to give effect to the Labrador Inuit Land Claims Agreement and the Tax Treatment Agreement.

The Agreement will come into force on a date to be set by the Governor in Council. The effective date will coincide for both federal and provincial acts, the Tax Treatment Agreement, the creation of the Torngat Mountains National Park Reserve of Canada, the Inuit Constitution, as well as the ancillary agreements that accompany the Labrador Inuit Land Claims Agreement.

LABRADOR INUIT LAND CLAIMS AGREEMENT

MILESTONES

- January 1989 The Labrador Inuit Association, the Government of Newfoundland and Labrador and the Government of Canada commence land claim negotiations.
- November 30, 1990 A framework agreement outlining the agenda, process and timetable for land claim Agreement-in-Principle (AIP) negotiations is signed.
- May 10, 1999 The AIP is initialled by chief negotiators and recommended to their respective parties for ratification.
- July 27, 1999 The Labrador Inuit Association membership ratifies the AIP.
- June 25, 2001 The Labrador Inuit Association, Newfoundland and Labrador, and Canada sign the AIP.
- August 29, 2003 Negotiators for the LIA, Newfoundland and Labrador and Canada initial the Labrador Inuit Land Claims Agreement (Agreement).
- May 26, 2004 Labrador Inuit ratify the Agreement with the support of 76.4 per cent of eligible voters with an 86 per cent turnout.
- December 6, 2004 Newfoundland and Labrador introduces *The Labrador Inuit Land Claims Agreement Act*. The Act is passed and given Royal Assent on the same day.
- January 22, 2005 Canada and Newfoundland and Labrador sign the Land Transfer Agreement; Canada and the LIA sign the Labrador Inuit Park Impacts and Benefits Agreement; LIA, Newfoundland and Labrador and Canada sign the Agreement.

THE LABRADOR INUIT LAND CLAIMS AGREEMENT

A summary of the Labrador Inuit Land Claims Agreement (the Agreement).

General Provisions

This chapter contains provisions that apply to the entire Agreement, including the status of the Agreement in law.

The Agreement sets out the terms for certainty as to the section 35 rights of the Labrador Inuit. These terms apply to all of Canada except any claims or rights of the Labrador Inuit in an identified area of northeastern Quebec and adjacent marine areas. With this exception in mind, in exchange for the rights and benefits specified in the Agreement, Inuit cede and release to Canada and Newfoundland and Labrador all of their Aboriginal rights outside of Labrador Inuit Lands and Aboriginal rights related to subsurface resources in Labrador Inuit Lands. Inside Labrador Inuit Lands, the Agreement modifies the Aboriginal rights of the Inuit to those rights set out in the Agreement.

The Agreement does not address rights for any Aboriginal people of Canada other than the Labrador Inuit, and it is not intended to affect the Aboriginal rights that other Aboriginal people may have in the Labrador Inuit Settlement Area.

Labrador Inuit Lands are not lands reserved for the Indians within the meaning of section 91(24) of the *Constitution Act, 1867*.

The *Canadian Charter of Rights and Freedoms* applies to the Inuit governments and to matters under their authority, and federal and provincial laws will continue to apply to Inuit in accordance with the Agreement. The primary regional Inuit government will be known as the Nunatsiavut Government. There will be five Inuit Community Governments: one in each of the five Inuit Communities of Rigolet, Makkovik, Postville, Hopedale and Nain.

The Agreement may only be amended with the agreement of the three signatory parties: the Labrador Inuit, the Government of Newfoundland and Labrador and the Government of Canada.

Labrador Inuit will continue to be eligible to receive federal and provincial programs and services unless otherwise provided for under a Fiscal Financing Agreement.

Eligibility and Enrolment

The Agreement sets out eligibility criteria for determining who will be enrolled as a beneficiary of the Agreement. The criteria take into consideration a number of factors, including the following:

- Inuit customs and traditions;
- Inuit ancestry;
- adoption; and
- residency in, or connection to, the Labrador Inuit Settlement Area (Settlement Area).

Community enrolment committees will be established to prepare a preliminary list of beneficiaries. Decisions of community enrolment committees may be appealed and decisions of the appeal body may be subject to judicial review. The Nunatsiavut Government will publish the register of beneficiaries within one year of the Effective Date and update it at least yearly..

Lands and Non-Renewable Resources

The Agreement creates two categories of land: the Labrador Inuit Settlement Area and Labrador Inuit Lands. The Settlement Area consists of 72,520 square kilometres (28,000 square miles) of land and 48,690 square kilometres (18,800 square miles) of ocean (referred to as the Zone) extending to the limit of Canada's territorial sea. The Settlement Area includes Labrador Inuit Lands and the five Inuit communities of Nain, Hopedale, Makkovik, Postville and Rigolet. In the northern part of the Settlement Area, approximately 9,600 square kilometres (3,700 square miles) of land will be set aside for the establishment of the Torngat Mountains National Park Reserve. Inuit will have special rights in all of these areas.

Within the Settlement Area, Inuit own 15,800 square kilometres (6,100 square miles) of land referred to as Labrador Inuit Lands. It is in this area where Inuit have the most rights and benefits.

In Labrador Inuit Lands, Inuit have the exclusive right to carving stone, ownership of 3,950 square kilometres (1,525 square miles) of quarry materials and a 25 per cent ownership interest in subsurface resources.

Existing mineral rights holders in Labrador Inuit Lands may continue to access Labrador Inuit Lands and will continue to be regulated by the Government of Newfoundland and Labrador. Any person wishing to explore for subsurface resources in Labrador Inuit Lands after the effective date will be required to submit a work plan for approval by the Government of Newfoundland and Labrador and the Nunatsiavut Government.

Existing surface interests in Labrador Inuit Lands (such as cabin owners and outfitters) will continue under their current terms and conditions. Applications for renewal or extensions of such interests must be made to the Nunatsiavut Government.

Water Management and Inuit Water Rights

Inuit have the right to use water for personal and domestic purposes throughout the Settlement Area. New commercial or industrial developers on Labrador Inuit Lands must acquire a water use permit from the Government of Newfoundland and Labrador, which may only be issued if also approved by the Nunatsiavut Government.

Any developer in the Settlement Area who proposes to use water in a way that may substantially affect the quantity, quality or rate of flow of water on or adjacent to Labrador Inuit Lands will be required to first negotiate a compensation agreement with the Nunatsiavut Government.

Ocean Management

The Settlement Area includes an adjacent ocean zone extending to the limit of Canada's territorial sea. Any initiatives to establish marine management plans or to develop non-renewable resources in the Zone will require prior consultation with the Nunatsiavut Government. Inuit impacts and benefits agreements (IBAs) are required for major developments in the Zone. Major developments are those that involve, in any five year period, more than 150 person-years of employment or capital expenditures of more than \$40 million.

Economic Development

IBAs must be negotiated between the Nunatsiavut Government and developers before projects may proceed in Labrador Inuit Lands and before major developments may proceed in the Settlement Area outside Labrador Inuit Lands.

The Nunatsiavut Government is entitled to receive 25 per cent of provincial government revenues from subsurface resources in Labrador Inuit Lands. In the Settlement Area outside Labrador Inuit Lands, the Nunatsiavut Government will receive 50 per cent of the first \$2 million and five per cent of any additional provincial revenues from subsurface resources. Revenues received from subsurface resources in the Settlement Area outside Labrador Inuit Lands will be capped at an amount that, if distributed equally among all Labrador Inuit, would result in an average per capita income for Labrador Inuit that equals the Canadian average per capita income.

Voisey's Bay Area

The Nunatsiavut Government will receive five per cent of provincial revenues from subsurface resources in the Voisey's Bay area.

The Voisey's Bay area will not be Labrador Inuit Lands or part of the Settlement Area. However, a number of chapters of the Agreement will apply to the Voisey's Bay area as if the area was within the Settlement Area. Lands within the Voisey's Bay area may be selected as Labrador Inuit Lands or to be part of the Settlement Area after project closure, but these selections will have to be made in a way that respects any current interim arrangements that are in place with the Innu Nation.

An IBA between the Labrador Inuit and the developer of the Voisey's Bay Project is required. This IBA has already been achieved and is being implemented.

Newfoundland and Labrador and Canada have committed to consult the Nunatsiavut Government on any permit required in relation to the project. The main vehicle for consultation will be the Environmental Management Board, which has already been established.

National Parks and Protected Areas

The Torngat Mountains National Park Reserve will be established on the effective date of the Agreement. A Park Impacts and Benefits Agreement has been negotiated in relation to the Torngat Mountains National

Park Reserve and will be in effect at the same time as the Agreement. Newfoundland and Labrador and Canada have also negotiated a Land Transfer Agreement, which provides for the transfer to Canada of provincial Crown lands necessary for the establishment of the Torngat Mountains National Park Reserve.

The Nunatsiavut Government may establish other protected areas in Labrador Inuit Lands.

Any new protected areas in the Settlement Area outside Labrador Inuit Lands that may affect the rights of the Labrador Inuit under the Agreement, will require the completion of a protected area agreement with the Nunatsiavut Government.

Land Use Planning

A comprehensive land use plan for the Settlement Area will be developed jointly by the Government of Newfoundland and Labrador and the Nunatsiavut Government within three years of the effective date of the Agreement. The Nunatsiavut Government will approve the land use plan as it applies to Labrador Inuit Lands and the Government of Newfoundland and Labrador will approve the plan as it applies to the Settlement Area outside of Labrador Inuit Lands. Once approved all new developments must conform to the plan.

Environmental Assessment

Federal and provincial environmental assessment laws will continue to apply throughout the Settlement Area. The Nunatsiavut Government may also make laws respecting the environmental assessment of projects in Labrador Inuit Lands, but federal and provincial laws prevail if there is a conflict between the laws. The effect of this is that Inuit Laws must meet or beat standards under general laws and that a developer must receive approval from all three levels of government before being able to proceed with a project in Labrador Inuit Lands.

The Agreement commits the parties to make every effort to ensure environmental assessment processes are harmonized to avoid duplication and inefficiencies.

Wildlife and Plants

Labrador Inuit have the right to harvest wildlife and plants for Inuit food, social and ceremonial purposes throughout the Settlement Area. If conservation requires that harvesting by Labrador Inuit be limited, the limits will be set by the provincial or federal minister, based on a recommendation of the Nunatsiavut Government.

A co-management board with members appointed by the Nunatsiavut Government and the appropriate Ministers within the Government of Newfoundland and Labrador and the Government of Canada will be established as the primary body for making recommendations to governments on the conservation and management of wildlife and plants in the Settlement Area. The provincial and federal governments will retain overall responsibility for the conservation and management of wildlife and plants in the Settlement Area.

With the exception of those interest holders accommodated under the Agreement, the Nunatsiavut Government will control who may harvest wildlife and plants in Labrador Inuit Lands. Provisions have been made for non-Inuit with existing cabins in Labrador Inuit Lands to harvest in areas they traditionally and currently use. In addition, non-Inuit Labradorians harvesting in tidal waters for non-commercial purposes may establish temporary camps and cut firewood along the shoreline of Labrador Inuit Lands.

The Nunatsiavut Government will control Inuit harvesting for food, social and ceremonial purposes throughout the Settlement Area.

Existing outfitters and sawmill operators will continue under laws of general application. The Nunatsiavut Government has the exclusive right to authorize new outfitting and sawmill operations in Labrador Inuit Lands and first right to establish new operations throughout the Settlement Area.

Fisheries

Labrador Inuit will have the right to harvest fish and marine mammals for Inuit food, social and ceremonial purposes throughout the Settlement Area. If conservation requires that fishing by Inuit be limited, the limits will be set by the federal minister. The Nunatsiavut Government may make a recommendation as to what this limit should be.

A co-management board appointed by the Nunatsiavut Government and the appropriate Ministers within the Government of Canada and the Government of Newfoundland and Labrador will be established as the primary body for making recommendations to governments on the conservation and management of fish in the Settlement Area. The provincial and federal governments will retain the overall responsibility for the conservation and management of the fishery in the Settlement Area.

Existing commercial fishing licences are not affected by the Agreement. Inuit will be guaranteed a percentage of new or additional commercial fishing licences for specified species within the Zone and in waters adjacent to the Zone.

Labrador Inuit will control who may fish or establish aquaculture facilities in Labrador Inuit Lands and will have the first right to establish aquaculture facilities in the Settlement Area.

Harvesting Compensation

Developers who wish to carry out projects on Labrador Inuit Lands and major developers in the Settlement Area outside Labrador Inuit Lands are absolutely liable for any harm that their projects may cause to wildlife or fish and are responsible for compensating Inuit for any damage to or loss of wildlife, fish, wildlife or fish habitat or harvesting activities suffered as a result of their projects.

Archaeology

The Nunatsiavut Government will be the permitting authority for archaeological activity in Labrador Inuit Lands and the Inuit Communities, the federal government will be the permitting authority for archaeological

activity in federal lands in the Settlement Area, and the provincial government will be the permitting authority for archaeological activities in all other lands in the Settlement Area.

The Nunatsiavut Government, the Government of Newfoundland and Labrador, and the Government of Canada have concurrent legislative authority in Labrador Inuit Lands and the Inuit Communities over the protection of archaeological sites, artifacts, cultural material and Inuit burial sites. If a conflict occurs, whether the federal, provincial or Nunatsiavut Government law prevails will depend upon the subject matter. Artifacts found in Labrador Inuit Lands will be owned by the Nunatsiavut Government. Artifacts found in the Settlement Area outside Labrador Inuit Lands will be jointly owned by the Nunatsiavut Government and the Government of Newfoundland and Labrador. Artifacts found in lands under the control and administration of Canada will be jointly owned by the Nunatsiavut Government and Canada.

Archaeologists must conduct community briefings.

Place Names

The Nunatsiavut Government will have the exclusive right to establish official place names in Labrador Inuit Lands, subject to approval by the responsible provincial minister. The Government of Newfoundland and Labrador must consult the Nunatsiavut Government on any proposed place names in the Settlement Area outside Labrador Inuit Lands.

Labrador Inuit Self Government

Labrador Inuit have created their own Constitution that establishes two levels of government: the Nunatsiavut Government, with jurisdiction primarily over Inuit at a regional level, and five Inuit Community Governments. The Constitution also provides for the establishment of Inuit Community Corporations for Inuit who live in the Upper Lake Melville Area and elsewhere outside the Labrador Inuit Settlement Area. All levels of government will be democratically responsible. The Constitution will come into effect with the Agreement.

The Nunatsiavut Government may make laws to govern Inuit residents of Labrador Inuit Lands and the Inuit Communities for matters such as education, health, child and family services, and income support. The Nunatsiavut Government will also have jurisdiction over its internal affairs, Inuit language and culture, and the management of Inuit rights and benefits under the Agreement. The Nunatsiavut Government may establish a justice system for the administration of Inuit laws.

Inuit Community Governments will replace current municipal governments. Inuit and non-Inuit residents in the Inuit Communities will be able to vote for and serve as councillors in the Inuit Community Governments. Inuit Community Governments may enact by-laws respecting local or municipal matters within Inuit Communities.

Fiscal Financing Agreements

The Government of Newfoundland and Labrador, the Government of Canada and the Nunatsiavut Government will negotiate a fiscal financing agreement every five years to provide funding to the Nunatsiavut Government for the provision of agreed-upon programs and services to Inuit and, where appropriate, to other residents. Inuit will contribute to the costs of their own governance, programs and services.

The first fiscal financing agreement has been negotiated and will come into effect when the Agreement comes into effect.

Capital Transfers

The Government of Canada will pay the Labrador Inuit \$140 million in 1997 dollars, according to a specified schedule of payments over 15 years. Inuit will repay their negotiation loans of approximately \$50 million over the same 15-year period.

Taxation

Labrador Inuit will continue to be subject to federal and provincial tax laws. The Nunatsiavut Government may make laws in relation to direct taxation of Inuit for Nunatsiavut Government purposes and may make laws for the coordination and harmonization of Inuit Community Government taxation. Inuit Community Governments may make laws in relation to the direct taxation of Inuit for Inuit Community Government purposes. Additional powers for the Inuit governments to tax persons other than Inuit may be negotiated through agreements between Inuit governments and the federal and provincial governments.

Dispute Resolution

A tripartite out-of-court dispute resolution process will be established. It will address disagreements respecting the interpretation of the Agreement and disputes specifically referred to dispute resolution under the Agreement. Examples of disputes that can be settled by such arbitration include disputes over such matters as wildlife compensation, terms of IBAs outside Labrador Inuit Lands and terms governing access to Labrador Inuit Lands for purposes that are permitted under the Agreement.

Ratification of the Agreement

A Ratification Committee was established with responsibility for creating the Inuit Official Voters List and conducting the Inuit ratification vote.

The Agreement was ratified by 76.4 percent of the eligible Inuit voters who voted on May 26, 2004.

On December 6, 2004, the Newfoundland and Labrador House of Assembly ratified the Agreement by passing the *Labrador Inuit Land Claims Agreement Act*. The *Act* received Royal Assent the same day.

The Labrador Inuit Association, the Government of Newfoundland and Labrador and the Government of Canada signed the Agreement on January 22, 2005.

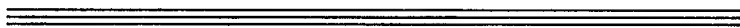
The federal ratification process will continue with the preparation and introduction of federal ratification legislation.

The Agreement will come into effect on a date to be set out by the Governor in Council.

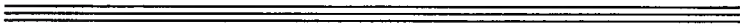
Implementation

An implementation plan which sets out the timing, responsibilities and costs of implementing the Agreement has been negotiated.

The Government of Canada will transfer \$156 million to the Nunatsiavut Government for implementation of the Agreement. In exchange for this implementation fund, the Inuit will release the Government of Canada from future funding obligations, except for some specific funding obligations set out in the Agreement.



Frequently Asked Questions



**FREQUENTLY ASKED QUESTIONS ABOUT
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1) Q. Who are the Labrador Inuit?

A. The Labrador Inuit number approximately 5,300 Inuit and Kabloonangâjuit (individuals of partial Inuit ancestry) who live primarily in five coastal communities (Nain, Hopedale, Makkovik, Postville and Rigolet) and the upper Lake Melville area in Labrador. They claim Aboriginal rights and title to territory in northern Labrador and northeastern Quebec. The Inuit have never entered into a treaty with the British Crown, Canada or Newfoundland and Labrador.

2) Q. Who are recognized as beneficiaries?

A. The Labrador Inuit Land Claims Agreement sets out the eligibility criteria. Generally, an individual who is Inuit pursuant to Inuit custom and tradition and is of Inuit ancestry and is either a permanent resident of the Labrador Inuit Settlement Area, or connected to the Labrador Inuit Settlement Area is eligible to be a beneficiary. The criteria are broad enough to include a small number of non-Inuit who are accepted as Inuit according to Inuit custom and tradition.

3) Q. Where will the Inuit have rights?

A. In the Labrador Inuit Settlement Area, the Inuit will have a variety of rights and benefits related to land and resources. These include preferential harvesting rights, allocations of commercial fishing licenses and a share of provincial resource royalties.

In Labrador Inuit Lands, Inuit will enjoy a variety of rights, including the right to manage these lands, exclusive rights to carving stone, ownership of quarry materials and a 25 percent interest in subsurface resources. They will also have the right to impacts and benefits agreements for any developments in these lands.

The Inuit will have self-government rights in Labrador Inuit Lands and the Inuit Communities.

4) Q. What benefits will accrue to Newfoundland and Labrador as a result of the Labrador Inuit Land Claims Agreement?

A. The Labrador Inuit Land Claims Agreement will aid in the social and economic development of Labrador by providing certainty with respect to the ownership of the lands and resources. Achieving certainty with respect to ownership of land and resources provides a stable environment for economic development.

5) **Q. How will the Labrador Inuit Land Claims Agreement affect the Voisey's Bay project?**

A. In July 2002, the Labrador Inuit Association, the Government of Newfoundland and Labrador and the Government of Canada signed the Voisey's Bay Interim Measures Agreement which sets out Inuit rights and benefits in relation to the Voisey's Bay project. The LIA has also signed an Inuit Impact and Benefits Agreement with Inco/Voisey's Bay Nickel Company.

The Voisey's Bay Project is well underway on the basis of the agreements reached with the Labrador Inuit. No changes are expected as a result of the Labrador Inuit Land Claims Agreement.

The certainty provided through the Labrador Inuit Land Claims Agreement will help support economic development, such as the Voisey's Bay project and other developments.

6) **Q. How much is the Labrador Inuit Land Claims Agreement going to cost?**

A. Canada has committed to a capital transfer of \$140 million (\$1997) and a transfer of \$156 million (\$1997) for implementation costs. These payments have been adjusted to take inflation into account and will be made according to schedules of payments set out in the Labrador Inuit Land Claims Agreement.

7) **Q. What is the Implementation Fund?**

A. The Implementation Fund is provided by Canada to assist the Inuit in meeting their implementation obligations under the Labrador Inuit Land Claims Agreement. In providing the fund, Canada is discharged from any implementation obligations except as otherwise provided under the Labrador Inuit Land Claims Agreement. Canada will continue to pay for its own costs of implementing the Labrador Inuit Land Claims Agreement, and some specific funding obligations which may be set out in ancillary agreements.

The Implementation Fund also includes a number of specific funds which are intended to address specific areas of interest or concern to the Inuit. These include cultural heritage and heritage resources, commemoration of the community of Hebron and other resource issues.

The Implementation Fund will be paid out according to a schedule of payments set out in the Labrador Inuit Land Claims Agreement.

8) Q. What is Newfoundland and Labrador contributing under the Labrador Inuit Land Claims Agreement?

A. Newfoundland and Labrador is providing a Labrador Inuit Settlement Area of 28,000 sq mi (72,520 sq. km). Of this, 6,100 sq mi (15,800 sq km) will be owned by the Labrador Inuit and known as Labrador Inuit Lands. In Labrador Inuit Lands, the Inuit will enjoy benefits such as 25 percent of provincial revenues from subsurface resources, exclusive harvesting rights and control of new developments. In the remaining 21,900 sq mi (56,720 sq. km) of the Labrador Inuit Settlement Area, the Inuit will receive 50 percent of the first \$2 million and 5 percent thereafter of provincial revenues from subsurface resources, and priority harvesting rights.

The Inuit will also receive 5 percent of provincial revenues from the Voisey's Bay project.

9) Q. What harvesting rights will the Labrador Inuit enjoy?

A. The Labrador Inuit will have preferential rights to harvest fish and wildlife, including migratory birds, in the Labrador Inuit Settlement Area for subsistence purposes.

The Nunatsiavut Government will be offered an allocation of commercial licences for specified species of fish in the Labrador Inuit Settlement Area and for others in waters adjacent to the tidal waters of the Labrador Inuit Settlement Area. It will be offered access to the available commercial harvest for shrimp in waters adjacent to the tidal waters of the Labrador Inuit Settlement Area through the issuance of an additional licence or by some other means.

Inuit will participate with federal and provincial representatives on boards making recommendations to the appropriate federal or provincial Minister on the management of fisheries and wildlife in the Labrador Inuit Settlement Area.

10) Q. Does the Labrador Inuit Land Claims Agreement provide for Labrador Inuit input with respect to environmental issues?

A. The Labrador Inuit Land Claims Agreement provides for the establishment of an Inuit environmental assessment process for the assessment of

projects in Labrador Inuit Lands. No project will proceed in Labrador Inuit Lands unless approved by all governments requiring an assessment of the project, including the Nunatsiavut Government.

Inuit will be guaranteed participation in federal and provincial environmental assessments respecting projects in the Labrador Inuit Settlement Area outside Labrador Inuit Lands and may have a role, through consultation or other means, in those outside the Labrador Inuit Settlement Area that may reasonably be expected to have adverse effects in the Labrador Inuit Settlement Area or Inuit rights under the Labrador Inuit Land Claims Agreement.

11) Q. What self-government rights will the Labrador Inuit have?

- A. The Labrador Inuit will have the right to govern themselves in accordance with the terms of the Labrador Inuit Land Claims Agreement. The Labrador Inuit Land Claims Agreement provides for the establishment of a regional Nunatsiavut Government, five Inuit Community Governments and Inuit Community Corporations.

The *Canadian Charter of Rights and Freedoms* will apply to the Inuit Government.

The Nunatsiavut Government may make laws applicable to Inuit in Labrador Inuit Lands and the Inuit Communities with respect to culture and language, education, health and social services, as well as land and resource management.

Each Inuit Community Government has the power to make laws of a local or municipal nature.

Inuit Community Corporations may be established to provide for the representation of Inuit who reside outside the Labrador Inuit Settlement Area.

12) Q. How will the Labrador Inuit Land Claims Agreement affect Inuit women?

- A. The Labrador Inuit Land Claims Agreement makes no distinction based on gender. Inuit women will have equal access to all rights and benefits under the Labrador Inuit Land Claims Agreement.

13) Q. How will Labrador Inuit self-government affect non-Inuit living in the Inuit Communities?

A. Inuit Community Governments will have powers similar to those that the existing municipalities exercise. Non-Inuit residents in the Inuit Communities will participate in their government through the right to vote for and have guaranteed representation on community councils. Community councillors will be divided into two groups. The first group, consisting of Inuit and non-Inuit residing in a community on May 10, 1999 (the date the AIP was initialled), will occupy at least 75 percent of the seats of a community council. The second group, consisting of non-Inuit who become resident in a community after May 10, 1999, will occupy the remainder.

As a result of negotiated agreements with Canada and Newfoundland and Labrador, the Nunatsiavut Government will provide education, health and social services to all residents in the Inuit Communities, both Inuit and non-Inuit.

14) Q. How will non-Inuit residents of Labrador be affected?

A. Existing interests of private landowners in Labrador will not be affected. Crown land leases and licenses will be protected and may continue according to their terms and conditions, but applications for renewal of those in Labrador Inuit Lands and the Inuit Communities will have to be made to the Nunatsiavut Government, which may impose additional reasonable terms and conditions such as fees.

Existing interests of commercial harvesters in Labrador will not be affected. Domestic harvesters will require permission from the Nunatsiavut Government to harvest on Labrador Inuit Lands, but special provision has been made to accommodate harvesting on Labrador Inuit Lands by non-Inuit who are long-term residents of the Labrador Inuit Settlement Area. Outside Labrador Inuit Lands, non-Inuit will continue to harvest domestically in accordance with federal and provincial laws.

Free access to cross Labrador Inuit Lands along standard routes for casual purposes will continue. Nunatsiavut Government consent will be required for access to Labrador Inuit Lands on new routes or for commercial purposes and a fee may be imposed by the Nunatsiavut Government for such access.

15) Q. **Does the *Canadian Charter of Rights and Freedoms* apply?**

A. Yes, the *Charter of Rights and Freedoms* applies to the Nunatsiavut Government and to all matters within its authority.

16) Q. **How does the Labrador Inuit Land Claims Agreement address the issue of matrimonial property?**

A. The Nunatsiavut Government will have the ability to make laws in respect of the division of matrimonial property. However, any such laws will have to accord rights and protections that are comparable to the rights and protections enjoyed by individuals under laws of general application.

17) Q. **Why does the Labrador Inuit Land Claims Agreement provide for harvesting outside of the Settlement Area?**

A. Approximately half of the Inuit who will be beneficiaries under the Labrador Inuit Land Claims Agreement reside in the upper Lake Melville Area, which is outside the Labrador Inuit Settlement Area.

In order to address the specific concerns of these individuals, Canada has agreed to a time limited period during which these individuals can continue to harvest migratory birds and fish in their traditionally used areas.

Inuit who are ordinarily resident in Labrador outside the Labrador Inuit Settlement Area will be entitled to harvest migratory birds, in a prescribed area, for a nine-year period following the effective date of the Labrador Inuit Land Claims Agreement. This harvesting shall be carried out as if the area were the Labrador Inuit Settlement Area. Inuit harvesting under this arrangement will not be able to harvest on lands which are owned or subject to a surface interest, unless the owner or interest holder agrees. Harvesting will be halted during times of scarcity.

Canada and the Nunatsiavut Government will negotiate a communal food fishing license whereby Inuit who reside in Labrador, outside the Settlement Area, will be able to fish in the tidal waters of Lake Melville. This arrangement will not be treaty-protected and will be for a period of nine years, although the Minister may extend the arrangement.

The Labrador Inuit Land Claims Agreement also provides for the ability to harvest other species of wildlife outside the Settlement Area. The provincial government oversees such harvesting.

18) Q. What taxation powers will the Inuit Government have?

A. The Nunatsiavut Government will be able to make laws in relation to direct taxation of Inuit in Labrador Inuit Lands and the Inuit Communities and, by agreement with Canada or Newfoundland and Labrador, of non-Inuit in Labrador Inuit Lands and the Inuit Communities. Federal taxation power will not be limited. The Inuit Government will receive tax treatment similar to that of other municipal governments in Canada.

19) Q. Does the Labrador Inuit Land Claims Agreement provide for “certainty” with respect to the Aboriginal rights of the Labrador Inuit?

A. Yes. The Agreement sets out the terms for certainty as to the section 35 rights of the Labrador Inuit. These terms apply to all of Canada except any claims or rights of the Labrador Inuit in an identified area of northeastern Quebec and adjacent marine areas. With this exception in mind, in exchange for the rights and benefits specified in the Agreement, Inuit cede and release to Canada and Newfoundland and Labrador all of their Aboriginal rights outside of Labrador Inuit Lands and Aboriginal rights related to subsurface resources in Labrador Inuit Lands. Inside Labrador Inuit Lands, the Agreement modifies the Aboriginal rights of the Inuit to those rights set out in the Agreement.

20) Q. Why are the Labrador Inuit maintaining their claim to Aboriginal rights in northeastern Quebec and adjacent marine areas?

A. The Labrador Inuit claim Aboriginal rights and title in an area in northeastern Quebec and adjacent marine areas.

Canada’s view is that all Aboriginal rights in northeastern Quebec were addressed as part of the James Bay and Northeastern Quebec Agreement, and therefore the Labrador Inuit no longer have rights in this area.

Any attempt to deal with specific interests in this area, would require the agreement and participation of the beneficiaries to the James Bay and Northern Quebec Agreement (Nunavik Inuit, Cree, Government of Quebec and Government of Canada). Canada is willing to participate in any discussions that might take place.

With respect to the adjacent marine areas, the Labrador Inuit have not submitted a claim to this area, and as a result, it is not addressed in the Labrador Inuit Land Claims Agreement.

21) Q. What measures are in place to ensure that the Inuit Government will be accountable to the people it governs?

A. The Inuit Constitution, which was adopted by Inuit on April 15, 2002, requires that the Nunatsiavut Government be democratically accountable to the Inuit and that the Inuit Community Governments be democratically accountable to all residents of the Inuit Communities. This will be done through regular elections, a process for challenges to Inuit laws, rules regarding conflict of interest and financial accountability.

In addition, the Inuit Constitution provides that the AngajukKak (mayor) of each community government will sit in the Nunatsiavut Assembly.

Finally, the *Canadian Charter of Rights and Freedoms*, and the protections it affords, will apply to the Inuit Government.

22) Q. What is the status of the Torngat Mountains National Park Reserve of Canada and what benefits will the Inuit enjoy inside the Park Reserve?

A. Canada and the Province have negotiated a land transfer agreement by which approximately 9,600 square kilometres (3,700 sq. miles) of land will be transferred by the Province to Canada to create the Torngat Mountains National Park Reserve. Canada will establish the Park Reserve under the *Canada National Parks Act* on the same day that the Labrador Inuit Land Claims Agreement comes into effect.

The Inuit have negotiated a Park Impacts and Benefits Agreement with Canada that sets out a wide range of rights and benefits that Inuit will enjoy within the Park Reserve. These include harvesting rights, rights to carving stone, and economic development opportunities related to the Park.

Once all outstanding Aboriginal claims in northern Labrador have been resolved, the Torngat Mountains National Park Reserve will become the Torngat Mountains National Park.

23) Q. How will the settlement of this claim affect other Aboriginal groups with overlapping claims in Labrador?

A. The Labrador Inuit Land Claims Agreement provides that nothing in the Agreement will be construed to affect the section 35 rights of other Aboriginal groups. Canada encourages Aboriginal groups to negotiate among themselves to conclude Aboriginal overlaps to deal with

ownership, jurisdiction and management of lands and resources in the overlap area.

24) Q. What is the status of overlap negotiations?

A. The LIA and the Innu Nation have negotiated an overlap agreement that addresses their respective interests in the shared area they have identified. The LIA and Makivik Corporation which represents the Inuit of northern Quebec, have initialled an overlap agreement that sets out how they will co-exist in their shared areas.

25) Q. How does this Labrador Inuit Land Claims Agreement affect the Labrador Metis Nation?

A. If the Labrador Metis Nation can prove that they are an Aboriginal group, the Labrador Inuit Land Claims Agreement explicitly states that it does not affect the rights of an Aboriginal group other than the one which is signatory to the Agreement.

26) Q. Have the public and third parties been consulted with respect to the content of the Labrador Inuit Land Claims Agreement?

A. Canada has consulted with local government leaders, as well as representatives of the academic, business and resource sectors and other Aboriginal groups. Both the LIA and the Province have also conducted considerable consultation with interested parties.

27) Q. When will the benefits begin to flow to the Inuit?

A. Benefits will flow to the Inuit on the effective date of the Labrador Inuit Land Claims Agreement. This date will be established by Governor in Council, as provided in the federal implementing legislation.

Canada paid \$5 million to the Labrador Inuit Association when the Labrador Inuit Land Claims Agreement was signed. This amount is to the fund the many pre-implementation activities that the LIA will have to undertake in order to be ready for the effective date of the Labrador Inuit Land Claims Agreement.

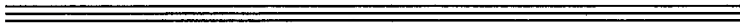
28) Q. What are the total loans owed by the LIA and will they be repaid?

A. The total amount of the loans will be repaid by the Inuit and the amount is projected to be approximately \$50 million. The amount will be repaid over 15 years.

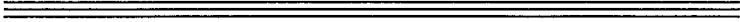
29) Q. **What are the next steps?**

A. The Province has already enacted provincial implementing legislation. Once Parliament has passed this legislation, the Governor in Council will set the date for its coming into force.

C



Bill



C-56

First Session, Thirty-eighth Parliament,
53-54 Elizabeth II, 2004-2005

HOUSE OF COMMONS OF CANADA

BILL C-56

An Act to give effect to the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement

FIRST READING, JUNE 6, 2005

C-56

Première session, trente-huitième législature,
53-54 Elizabeth II, 2004-2005

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-56

Loi portant mise en vigueur de l'Accord sur les revendications territoriales des Inuit du Labrador et de l'Accord sur le traitement fiscal des Inuit du Labrador

PREMIÈRE LECTURE LE 6 JUIN 2005

THE MINISTER OF INDIAN AFFAIRS AND NORTHERN
DEVELOPMENT

LE MINISTRE DES AFFAIRES INDIENNES ET DU NORD
CANADIEN

RECOMMENDATION

Her Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and for the purposes set out in a measure entitled "*An Act to give effect to the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement*".

RECOMMANDATION

Son Excellence la gouverneure générale recommande à la Chambre des communes l'affectation de deniers publics dans les circonstances, de la manière et aux fins prévues dans une mesure intitulée « *Loi portant mise en vigueur de l'Accord sur les revendications territoriales des Inuit du Labrador et de l'Accord sur le traitement fiscal des Inuit du Labrador* ».

SUMMARY

This enactment gives effect to the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement. It also includes consequential amendments to certain Acts.

SOMMAIRE

Le texte met en vigueur l'Accord sur les revendications territoriales des Inuit du Labrador et l'Accord sur le traitement fiscal des Inuit du Labrador. De plus, il modifie diverses lois en conséquence.

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HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-56

PROJET DE LOI C-56

An Act to give effect to the Labrador Inuit Land
Claims Agreement and the Labrador Inuit
Tax Treatment Agreement

Loi portant mise en vigueur de l'Accord sur les
revendications territoriales des Inuit du
Labrador et de l'Accord sur le traitement
fiscal des Inuit du Labrador

Preamble

WHEREAS the *Constitution Act, 1982* recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada;

WHEREAS the Inuit of Labrador are an aboriginal people of Canada;

WHEREAS the Inuit of Labrador claim aboriginal rights in and to the Labrador Inuit Land Claims Area, as defined in the Agreement, 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;

WHEREAS the Inuit of Labrador, as represented by the Labrador Inuit Association, the Government of Newfoundland and Labrador and the Government of Canada have negotiated the Agreement;

WHEREAS the Inuit of Labrador, by a vote held on May 26, 2004, approved the Agreement;

WHEREAS on December 6, 2004, the Legislature of the Province of Newfoundland and Labrador enacted the *Labrador Inuit Land Claims Agreement Act* to ratify the Agreement;

Attendu :

que la *Loi constitutionnelle de 1982* reconnaît et confirme les droits existants — ancestraux ou issus de traités — des peuples autochtones du Canada;

que les Inuit du Labrador constituent un peuple autochtone du Canada;

que les Inuit du Labrador revendiquent, sur le territoire de la région des revendications territoriales visée par l'Accord, des droits ancestraux fondés sur leur utilisation et leur occupation traditionnelles et actuelles des terres, des eaux et de la glace de mer de cette région conformément à leurs propres coutumes et traditions;

que les Inuit du Labrador, représentés par la Labrador Inuit Association, le gouvernement de Terre-Neuve-et-Labrador et le gouvernement du Canada ont négocié l'Accord;

que les Inuit du Labrador ont approuvé l'Accord par un vote tenu le 26 mai 2004;

que la législature de Terre-Neuve-et-Labrador a adopté, le 6 décembre 2004, une loi intitulée *Labrador Inuit Land Claims Agreement Act* en vue de la ratification de l'Accord;

Préambule

WHEREAS the Agreement was signed on behalf of the Inuit of Labrador, Her Majesty the Queen in right of Newfoundland and Labrador and Her Majesty the Queen in right of Canada on January 22, 2005;

AND WHEREAS the Agreement requires that legislation be enacted by the Parliament of Canada in order for the Agreement to be ratified;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

que l'Accord a été signé le 22 janvier 2005 pour le compte des Inuit du Labrador, de Sa Majesté la Reine du chef de Terre-Neuve-et-Labrador et de Sa Majesté la Reine du chef du Canada;

que l'Accord stipule qu'une loi doit être adoptée par le Parlement du Canada en vue de sa ratification,

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

SHORT TITLE

Short title 1. This Act may be cited as the *Labrador Inuit Land Claims Agreement Act*.

TITRE ABRÉGÉ

1. *Loi sur l'Accord sur les revendications territoriales des Inuit du Labrador.* Titre abrégé

INTERPRETATION

Definitions 2. The following definitions apply in this Act.

DÉFINITIONS ET INTERPRÉTATION

2. Les définitions qui suivent s'appliquent à la présente loi. Définitions 15

"Agreement" « *Accord* » "Agreement" means the land claims agreement signed on behalf of the Inuit of Labrador, Her Majesty the Queen in right of Newfoundland and Labrador and Her Majesty the Queen in right of Canada on January 22, 2005, including any amendments made to it.

« *Accord* » L'accord sur les revendications territoriales signé le 22 janvier 2005 pour le compte des Inuit du Labrador, de Sa Majesté la Reine du chef de Terre-Neuve-et-Labrador et de Sa Majesté la Reine du chef du Canada, avec ses modifications éventuelles.

"Inuit bylaw" « *règlement inuit* » "Inuit bylaw" means a Bylaw as defined in section 1.1.1 of the Agreement.

« *accord sur le traitement fiscal* » L'accord sur le traitement fiscal signé le 15 mars 2005 pour le compte des Inuit du Labrador, le 24 mars 2005 pour le compte de Sa Majesté la Reine du chef de Terre-Neuve-et-Labrador et le 12 avril 2005 pour le compte de Sa Majesté la Reine du chef du Canada, avec ses modifications éventuelles.

"Inuit law" « *loi inuite* » "Inuit law" means an Inuit Law as defined in section 1.1.1 of the Agreement.

« *gouvernement nunatsiavut* » Le gouvernement établi au titre de l'alinéa 17.3.3a) de l'Accord.

"Nunatsiavut Government" « *gouvernement nunatsiavut* » "Nunatsiavut Government" means the government established pursuant to subsection 17.3.3(a) of the Agreement.

« *loi inuite* » S'entend au sens de l'article 1.1.1 de l'Accord.

"Tax Treatment Agreement" « *accord sur le traitement fiscal* » "Tax Treatment Agreement" means the tax treatment agreement signed on behalf of the Inuit of Labrador on March 15, 2005, Her Majesty the Queen in right of Newfoundland and Labrador on March 24, 2005 and Her Majesty the Queen in right of Canada on April 12, 2005, including any amendments made to it.

« *règlement inuit* » S'entend au sens de la définition de « *règlement* », à l'article 1.1.1 de l'Accord.

Status of Agreement 3. The Agreement is a treaty and a land claims agreement within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.

3. L'Accord constitue un traité et un accord sur des revendications territoriales au sens des articles 25 et 35 de la *Loi constitutionnelle de 1982*.

Statut de l'Accord

HER MAJESTY

SA MAJESTÉ

Act binding on Her Majesty

4. (1) This Act is binding on Her Majesty in right of Canada or of a province so as to give effect to the Agreement in accordance with its terms.

4. (1) La présente loi lie Sa Majesté du chef du Canada et de toute province de manière à donner effet à l'Accord conformément à ses dispositions.

Sa Majesté

Inuit laws and bylaws

(2) Nothing in subsection (1) has the effect of rendering Her Majesty in right of Canada or of a province bound by Inuit laws or Inuit bylaws.

(2) Le paragraphe (1) n'a pas pour effet d'assujettir Sa Majesté du chef du Canada ou d'une province aux lois et règlements inuits.

Lois et règlements inuits

AGREEMENT

ACCORD

Agreement given effect

5. (1) The Agreement is approved, given effect and declared valid and has the force of law.

5. (1) L'Accord est approuvé, mis en vigueur et déclaré valide, et il a force de loi.

Entérinement de l'Accord

Rights and obligations

(2) For greater certainty, any person or body has the powers, rights, privileges and benefits conferred on the person or body by the Agreement and shall perform the duties, and is subject to the liabilities, imposed on the person or body by the Agreement.

(2) Il est entendu que les personnes et organismes visés par l'Accord ont les droits, pouvoirs, privilèges et avantages qui leur sont conférés par lui et sont assujettis aux obligations et responsabilités qui y sont prévues.

Droits et obligations

Third parties

(3) For greater certainty, the Agreement is binding on, and may be relied on by, all persons and bodies that are not parties to it.

(3) Il est entendu que l'Accord est opposable à toute personne et à tout organisme qui n'y sont pas parties et que ceux-ci peuvent s'en prévaloir.

Opposabilité

Saving

(4) Despite subsection (3), sections 17.27.8 and 17.27.9 of the Agreement may be invoked only by Her Majesty in right of Canada or by the Nunatsiavut Government.

(4) Malgré le paragraphe (3), seuls Sa Majesté du chef du Canada et le gouvernement nunatsiavut peuvent se prévaloir des articles 17.27.8 et 17.27.9 de l'Accord.

Précision

Inconsistency with Agreement

6. (1) In the event of an inconsistency or a conflict between the Agreement and any federal or provincial law, including this Act, the Agreement prevails to the extent of the inconsistency or conflict.

6. (1) Les dispositions de l'Accord l'emportent sur les dispositions incompatibles de la présente loi et de toute autre règle de droit fédérale ou provinciale.

Primauté de l'Accord

Inconsistency with Act

(2) In the event of an inconsistency or a conflict between this Act and any other federal or provincial law, this Act prevails to the extent of the inconsistency or conflict.

(2) Les dispositions de la présente loi l'emportent sur les dispositions incompatibles de toute autre règle de droit fédérale ou provinciale.

Primauté de la présente loi

APPROPRIATION

AFFECTATION DE FONDS

Payments out of C.R.F.

7. There shall be paid out of the Consolidated Revenue Fund any sums that are required to meet the monetary obligations of Her Majesty in right of Canada under chapters 18, 19 and 23 of the Agreement.

7. Sont prélevées sur le Trésor les sommes nécessaires pour satisfaire aux obligations pécuniaires contractées par Sa Majesté du chef du Canada au titre des chapitres 18, 19 et 23 de l'Accord.

Paiement sur le Trésor

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TAXATION

FISCALITÉ

Tax Treatment Agreement given effect	8. The Tax Treatment Agreement is approved, given effect and declared valid and has the force of law during the period that it is in effect.	8. L'accord sur le traitement fiscal est approuvé, mis en vigueur et déclaré valide, et il a force de loi durant la période où il a effet.	Entérinement de l'accord sur le traitement fiscal
Not a treaty	9. The Tax Treatment Agreement does not form part of the Agreement and is not a treaty or a land claims agreement within the meaning of sections 25 and 35 of the <i>Constitution Act, 1982</i> .	9. Il ne fait pas partie de l'Accord et ne constitue ni un traité ni un accord sur des revendications territoriales au sens des articles 25 et 35 de la <i>Loi constitutionnelle de 1982</i> .	Précisions

GENERAL

DISPOSITIONS GÉNÉRALES

Judicial notice of Agreements	10. (1) Judicial notice shall be taken of the Agreement and the Tax Treatment Agreement.	10. (1) L'Accord et l'accord sur le traitement fiscal sont admis d'office.	Admission d'office des accords
Publication of Agreements	(2) The Agreement and the Tax Treatment Agreement shall be published by the Queen's Printer.	(2) L'imprimeur de la Reine publie le texte des accords.	Publication
Evidence	(3) A copy of the Agreement or the Tax Treatment Agreement published by the Queen's Printer is evidence of that agreement and of its contents, and a copy purporting to be published by the Queen's Printer is deemed to be so published, unless the contrary is shown.	(3) Tout exemplaire de l'un ou l'autre accord publié par l'imprimeur de la Reine fait preuve de l'accord et de son contenu. L'exemplaire donné comme publié par l'imprimeur de la Reine est, sauf preuve contraire, réputé avoir été ainsi publié.	Preuve
Judicial notice of Inuit laws and Inuit bylaws	11. (1) Judicial notice shall be taken of Inuit laws and Inuit bylaws.	11. (1) Les lois inuites et les règlements inuits sont admis d'office.	Admission d'office
Evidence of Inuit laws and bylaws	(2) A copy of an Inuit law or an Inuit bylaw purporting to be deposited in a public registry of laws referred to in section 17.5.1 or 17.5.2 of the Agreement is evidence of that law or bylaw and of its contents, unless the contrary is shown.	(2) Tout exemplaire d'une loi inuite ou d'un règlement inuit donné comme versé dans le registre public visé aux articles 17.5.1 ou 17.5.2 de l'Accord fait preuve de la loi ou du règlement et de son contenu, sauf preuve contraire.	Preuve
Statutory Instruments Act	12. For greater certainty, Inuit laws and Inuit bylaws are not statutory instruments within the meaning of the <i>Statutory Instruments Act</i> .	12. Il est entendu que les lois inuites et les règlements inuits ne sont pas des textes réglementaires au sens de la <i>Loi sur les textes réglementaires</i> .	<i>Loi sur les textes réglementaires</i>
Orders and regulations	13. The Governor in Council may make any orders and regulations that are necessary for the purpose of carrying out any of the provisions of the Agreement or of the Tax Treatment Agreement.	13. Le gouverneur en conseil peut prendre les décrets et les règlements nécessaires à l'application de l'Accord et de l'accord sur le traitement fiscal.	Décrets et règlements
Chapter 22 of Agreement	14. Despite subsection 5(1), chapter 22 of the Agreement is deemed to have effect from August 29, 2003.	14. Malgré le paragraphe 5(1), le chapitre 22 de l'Accord est réputé avoir effet depuis le 29 août 2003.	Chapitre 22 de l'Accord

Notice of issues arising

15. (1) If, in any judicial or administrative proceeding, an issue arises in respect of

(a) the interpretation or validity of the Agreement, or

(b) the validity or applicability of this Act, the enactment by the Legislature of the Province of Newfoundland and Labrador entitled the *Labrador Inuit Land Claims Agreement Act* or any Inuit law or Inuit bylaw,

the issue shall not be decided until the party raising the issue has served notice on the Attorney General of Canada, the Attorney General of Newfoundland and Labrador and the Nunatsiavut Government.

Content of notice

(2) The notice shall

(a) describe the judicial or administrative proceeding in which the issue arises;

(b) state whether the issue arises in respect of the matters referred to in paragraph (1)(a) or (b) or both;

(c) state the day on which the issue is to be argued;

(d) give particulars necessary to show the point to be argued; and

(e) be served at least 14 days before the day of argument, unless the court or tribunal authorizes a shorter period.

Participation in proceedings

(3) In any judicial or administrative proceeding to which subsection (1) applies, the Attorney General of Canada, the Attorney General of Newfoundland and Labrador and the Nunatsiavut Government may appear and participate in the proceeding as parties with the same rights as any other party.

Saving

(4) For greater certainty, subsections (2) and (3) do not require that an oral hearing be held if one is not otherwise required.

R.S., c. A-1

CONSEQUENTIAL AMENDMENTS

ACCESS TO INFORMATION ACT

16. Subsection 13(3) of the *Access to Information Act* is amended by striking out the word "or" at the end of paragraph (a), by

15. (1) Il ne peut être statué sur aucune question soulevée dans une instance judiciaire ou administrative quant à l'interprétation ou la validité de l'Accord ou quant à la validité ou l'applicabilité de la présente loi, de la loi de Terre-Neuve-et-Labrador intitulée *Labrador Inuit Land Claims Agreement Act*, d'une loi inuite ou d'un règlement inuit à moins qu'un préavis n'ait été signifié par la partie qui la soulève aux procureurs généraux du Canada et de Terre-Neuve-et-Labrador et au gouvernement nunatsiavut.

Préavis

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(2) Le préavis précise la nature de l'instance, l'objet de la question en litige, la date prévue pour le débat sur la question et assez de détails pour que soit révélée l'argumentation. Il est signifié au moins quatorze jours avant la date prévue pour le débat ou dans le délai plus court fixé par la juridiction saisie.

Teneur et délai du préavis

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Intervention

(3) Les procureurs généraux du Canada et de Terre-Neuve-et-Labrador et le gouvernement nunatsiavut peuvent, dans le cadre de l'instance, comparaître, intervenir et exercer les mêmes droits que toute autre partie.

(4) Il est entendu que les paragraphes (2) et (3) n'ont pas pour effet d'imposer la tenue d'une audience si elle n'est pas par ailleurs nécessaire.

Précision

L.R., ch. A-1

MODIFICATIONS CORRÉLATIVES

LOI SUR L'ACCÈS À L'INFORMATION

16. Le paragraphe 13(3) de la *Loi sur l'accès à l'information* est modifié par adjonction, après l'alinéa b), de ce qui suit :

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adding the word “or” at the end of paragraph (b) and by adding the following after paragraph (b):

(c) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*.

c) du gouvernement nunatsiavut, au sens de l'article 2 de la *Loi sur l'Accord sur les revendications territoriales des Inuit du Labrador*.

2000, c. 32

CANADA NATIONAL PARKS ACT

LOI SUR LES PARCS NATIONAUX DU CANADA

2000, ch. 32

17. Schedule 2 to the *Canada National Parks Act* is amended by adding the following after the description of Gwaii Haanas National Park Reserve of Canada:

17. L'annexe 2 de la *Loi sur les parcs nationaux du Canada* est modifiée par adjonction, après la description de la Réserve à vocation de parc national Gwaii Haanas du Canada, de ce qui suit :

TORNGAT MOUNTAINS NATIONAL PARK
RESERVE OF CANADARÉSERVE À VOCATION DE PARC NATIONAL
DES MONTS-TORNGAT DU CANADA

All that parcel of land in the Province of Newfoundland and Labrador shown on a descriptive map plan prepared by the Department of Natural Resources, dated November 15, 2004 and recorded in the Crown Lands Registry Office in St. John's, Newfoundland and Labrador, under number SP 367; a copy of the plan is attached as appendix D-1 to the Agreement, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*; said parcel contains an area of approximately 9 700 square kilometres.

Toute la parcelle de terre située dans la province de Terre-Neuve-et-Labrador et figurant sur le plan cartographique descriptif établi par le ministère des Ressources naturelles en date du 18 janvier 2005, inscrit au Crown Lands Registry Office de St. John's (Terre-Neuve-et-Labrador), sous le numéro SP 372, et dont une copie est jointe comme appendice D-1 de l'Accord, au sens de l'article 2 de la *Loi sur l'Accord sur les revendications territoriales des Inuit du Labrador*. Cette parcelle couvre une superficie d'environ 9 700 kilomètres carrés.

1987, c. 3

CANADA-NEWFOUNDLAND ATLANTIC
ACCORD IMPLEMENTATION ACTLOI DE MISE EN ŒUVRE DE L'ACCORD
ATLANTIQUE CANADA — TERRE-NEUVE

1987, ch. 3

1992, c. 35, s. 44

18. Paragraph 4(b) of the *Canada-Newfoundland Atlantic Accord Implementation Act* is replaced by the following:

18. L'article 4 de la *Loi de mise en oeuvre de l'Accord atlantique Canada — Terre-Neuve* est remplacé par ce qui suit :

1992, ch. 35,
art. 44

(b) any other Act of Parliament that applies to the offshore area or any regulations made under that Act, except the *Labrador Inuit Land Claims Agreement Act*,

4. Les dispositions de la présente loi et de ses textes d'application l'emportent sur les dispositions incompatibles de toute loi fédérale d'application extracôtère — sauf la *Loi sur l'Accord sur les revendications territoriales des Inuit du Labrador* — et de ses textes d'application.

25 Incompatibilité

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R.S., c. 44
(4th Supp.)

LOBBYISTS REGISTRATION ACT

19. Subsection 4(1) of the *Lobbyists Registration Act* is amended by adding the following after paragraph (d.3):

(d.4) members or employees of the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*, or persons on the staff of those members;

R.S., c. M-13;
2000, c. 8, s. 2

PAYMENTS IN LIEU OF TAXES ACT

20. The definition “taxing authority” in subsection 2(1) of the *Payments in Lieu of Taxes Act* is amended by striking out the word “or” at the end of paragraph (e), by adding the word “or” at the end of paragraph (f) and by adding the following after paragraph (f):

(g) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*, or an Inuit Community Government, as defined in section 1.1.1 of the *Labrador Inuit Land Claims Agreement* approved by that Act, if it levies and collects a real property tax or a frontage or area tax in respect of Labrador Inuit Lands or Community Lands, as defined in section 1.1.1 of that Agreement, as the case may be.

R.S., c. P-21

PRIVACY ACT

21. Subsection 8(7) of the *Privacy Act* is amended by striking out the word “or” at the end of paragraph (a), by adding the word “or” at the end of paragraph (b) and by adding the following after paragraph (b):

(c) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*.

LOI SUR L'ENREGISTREMENT DES
LOBBYISTES

19. Le paragraphe 4(1) de la *Loi sur l'enregistrement des lobbyistes* est modifié par adjonction, après l'alinéa d.3), de ce qui suit :

d.4) les membres — et leur personnel — ou les employés du gouvernement nunatsiavut, au sens de l'article 2 de la *Loi sur l'Accord sur les revendications territoriales des Inuit du Labrador*;

L.R., ch. 44
(4^e suppl.)LOI SUR LES PAIEMENTS VERSÉS EN
REMPACEMENT D'IMPÔTS

20. La définition de « autorité taxatrice », au paragraphe 2(1) de la *Loi sur les paiements versés en remplacement d'impôts*, est modifiée par adjonction, après l'alinéa f), de ce qui suit :

g) le gouvernement nunatsiavut, au sens de l'article 2 de la *Loi sur l'Accord sur les revendications territoriales des Inuit du Labrador*, ou l'administration de toute communauté inuite, au sens de la définition de « gouvernement de communauté inuite » à l'article 1.1.1 de l'accord sur des revendications territoriales approuvé aux termes de cette loi, s'il lève et perçoit un impôt foncier ou un impôt sur la façade ou sur la superficie relativement aux terres des Inuit du Labrador ou aux terres communautaires, selon le cas, au sens de l'article 1.1.1 de l'accord.

L.R., ch. M-13;
2000, ch. 8, art. 2LOI SUR LA PROTECTION DES
RENSEIGNEMENTS PERSONNELS

21. Le paragraphe 8(7) de la *Loi sur la protection des renseignements personnels* est modifié par adjonction, après l'alinéa b), de ce qui suit :

c) du gouvernement nunatsiavut, au sens de l'article 2 de la *Loi sur l'Accord sur les revendications territoriales des Inuit du Labrador*.

L.R., ch. P-21

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COORDINATING AMENDMENTS

DISPOSITIONS DE COORDINATION

R.S., c. A-1

ACCESS TO INFORMATION ACT

LOI SUR L'ACCÈS À L'INFORMATION

L.R., ch. A-1

22. (1) If the *Tlicho Land Claims and Self-Government Act*, chapter 1 of the Statutes of Canada, 2005 (the “other Act”), comes into force before section 16 of this Act, then, on the coming into force of the other Act, section 16 of this Act is replaced by the following:

22. (1) Si l'entrée en vigueur de la *Loi sur les revendications territoriales et l'autonomie gouvernementale du peuple tlicho* (appelée « autre loi » au présent article), chapitre 1 des Lois du Canada (2005), est antérieure à celle de l'article 16 de la présente loi, à l'entrée en vigueur de l'autre loi, l'article 16 de la présente loi est remplacé par ce qui suit :

16. Subsection 13(3) of the *Access to Information Act* is amended by striking out the word “or” at the end of paragraph (b), by adding the word “or” at the end of paragraph (c) and by adding the following after paragraph (c):

16. Le paragraphe 13(3) de la *Loi sur l'accès à l'information* est modifié par adjonction, après l'alinéa c), de ce qui suit :

(d) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*.

d) du gouvernement nunatsiavut, au sens de l'article 2 de la *Loi sur l'Accord sur les revendications territoriales des Inuit du Labrador*.

(2) If section 16 of this Act comes into force before the other Act, then, on the coming into force of the other Act, subsection 13(3) of the *Access to Information Act* is amended by striking out the word “or” at the end of paragraph (b), by adding the word “or” at the end of paragraph (c) and by adding the following after paragraph (c):

(2) Si l'entrée en vigueur de l'article 16 de la présente loi est antérieure à celle de l'autre loi, à l'entrée en vigueur de l'autre loi, le paragraphe 13(3) de la *Loi sur l'accès à l'information* est modifié par adjonction, après l'alinéa c), de ce qui suit :

(d) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*.

d) du gouvernement nunatsiavut, au sens de l'article 2 de la *Loi sur l'Accord sur les revendications territoriales des Inuit du Labrador*.

R.S., c. 44
(4th Supp.)

LOBBYISTS REGISTRATION ACT

LOI SUR L'ENREGISTREMENT DES
LOBBYISTESL.R., ch. 44
(4^e suppl.)

23. (1) If the *Tlicho Land Claims and Self-Government Act*, chapter 1 of the Statutes of Canada, 2005 (the “other Act”), comes into force before section 19 of this Act, then, on the coming into force of the other Act, section 19 of this Act is replaced by the following:

23. (1) Si l'entrée en vigueur de la *Loi sur les revendications territoriales et l'autonomie gouvernementale du peuple tlicho* (appelée « autre loi » au présent article), chapitre 1 des Lois du Canada (2005), est antérieure à celle de l'article 19 de la présente loi, à l'entrée en vigueur de l'autre loi, l'article 19 de la présente loi est remplacé par ce qui suit :

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19. Subsection 4(1) of the *Lobbyists Registration Act* is amended by adding the following after paragraph (d.4):

(d.5) members or employees of the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*, or persons on the staff of those members;

(2) If section 19 of this Act comes into force before the other Act, then, on the coming into force of the other Act, paragraph 4(1)(d.4) of the *Lobbyists Registration Act*, as enacted by section 19 of this Act, is replaced by the following:

(d.5) members or employees of the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*, or persons on the staff of those members;

PAYMENTS IN LIEU OF TAXES ACT

24. (1) If the *Tlicho Land Claims and Self-Government Act*, chapter 1 of the Statutes of Canada, 2005 (the “other Act”), comes into force before section 20 of this Act, then, on the coming into force of the other Act, section 20 of this Act is replaced by the following:

20. The definition “taxing authority” in subsection 2(1) of the *Payments in Lieu of Taxes Act* is amended by striking out the word “or” at the end of paragraph (f), by adding the word “or” at the end of paragraph (g) and by adding the following after paragraph (g):

(h) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*, or an Inuit Community Government, as defined in section 1.1.1 of the *Labrador Inuit Land Claims Agreement* approved by that Act, if it levies and collects a real property tax or a frontage or area tax in

19. Le paragraphe 4(1) de la *Loi sur l’enregistrement des lobbyistes* est modifié par adjonction, après l’alinéa d.4), de ce qui suit :

d.5) les membres — et leur personnel — ou les employés du gouvernement nunatsiavut, au sens de l’article 2 de la *Loi sur l’Accord sur les revendications territoriales des Inuit du Labrador*;

(2) Si l’entrée en vigueur de l’article 19 de la présente loi est antérieure à celle de l’autre loi, à l’entrée en vigueur de l’autre loi, l’alinéa 4(1)d.4) de la *Loi sur l’enregistrement des lobbyistes*, édicté par l’article 19 de la présente loi, est remplacé par ce qui suit :

d.5) les membres — et leur personnel — ou les employés du gouvernement nunatsiavut, au sens de l’article 2 de la *Loi sur l’Accord sur les revendications territoriales des Inuit du Labrador*;

LOI SUR LES PAIEMENTS VERSÉS EN REMPLACEMENT D’IMPÔTS

24. (1) Si l’entrée en vigueur de la *Loi sur les revendications territoriales et l’autonomie gouvernementale du peuple tlicho* (appelée « autre loi » au présent article), chapitre 1 des Lois du Canada (2005), est antérieure à celle de l’article 20 de la présente loi, à l’entrée en vigueur de l’autre loi, l’article 20 de la présente loi est remplacé par ce qui suit :

20. La définition de « autorité taxatrice », au paragraphe 2(1) de la *Loi sur les paiements versés en remplacement d’impôts*, est modifiée par adjonction, après l’alinéa g), de ce qui suit :

h) le gouvernement nunatsiavut, au sens de l’article 2 de la *Loi sur l’Accord sur les revendications territoriales des Inuit du Labrador*, ou l’administration de toute communauté inuite, au sens de la définition de « gouvernement de communauté inuite » à l’article 1.1.1 de l’accord sur des revendications territoriales approuvé aux termes de cette loi, s’il lève et perçoit un impôt foncier

respect of Labrador Inuit Lands or Community Lands, as defined in section 1.1.1 of that Agreement, as the case may be.

(2) If section 20 of this Act comes into force before the other Act, then, on the coming into force of the other Act, the definition “taxing authority” in subsection 2(1) of the *Payments in Lieu of Taxes Act* is amended by striking out the word “or” at the end of paragraph (f), by adding the word “or” at the end of paragraph (g) and by replacing paragraph (g), as enacted by section 20 of this Act, with the following:

(h) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*, or an Inuit Community Government, as defined in section 1.1.1 of the Labrador Inuit Land Claims Agreement approved by that Act, if it levies and collects a real property tax or a frontage or area tax in respect of Labrador Inuit Lands or Community Lands, as defined in section 1.1.1 of that Agreement, as the case may be.

ou un impôt sur la façade ou sur la superficie relativement aux terres des Inuit du Labrador ou aux terres communautaires, selon le cas, au sens de l'article 1.1.1 de l'accord.

(2) Si l'entrée en vigueur de l'article 20 de la présente loi est antérieure à celle de l'autre loi, à l'entrée en vigueur de l'autre loi, à l'alinéa g) de la définition de « autorité taxatrice », au paragraphe 2(1) de la *Loi sur les paiements versés en remplacement d'im-* 5
pôts, édicté par l'article 20 de la présente loi, est remplacé par ce qui suit : 10

h) le gouvernement nunatsiavut, au sens de l'article 2 de la *Loi sur l'Accord sur les revendications territoriales des Inuit du Labrador*, ou l'administration de toute communauté inuite, au sens de la définition de « gouvernement de communauté inuite » à l'article 1.1.1 de l'accord sur des revendications territoriales approuvé aux termes de cette loi, s'il lève et perçoit un impôt foncier ou un impôt sur la façade ou sur la superficie relativement aux terres des Inuit du Labrador ou aux terres communautaires, selon le cas, au sens de l'article 1.1.1 de l'accord. 25

R.S., c. P-21

PRIVACY ACT

25. (1) If the *Tlicho Land Claims and Self-Government Act*, chapter 1 of the Statutes of Canada, 2005 (the “other Act”), comes into force before section 21 of this Act, then, on the coming into force of the other Act, section 21 of this Act is replaced by the following:

21. Subsection 8(7) of the *Privacy Act* is amended by striking out the word “or” at the end of paragraph (b), by adding the word “or” at the end of paragraph (c) and by adding the following after paragraph (c):

(d) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*.

LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

L.R., ch. P-21

25. (1) Si l'entrée en vigueur de la *Loi sur les revendications territoriales et l'autonomie gouvernementale du peuple tlicho* (appelée « autre loi » au présent article), chapitre 1 des Lois du Canada (2005), est antérieure à celle de l'article 21 de la présente loi, à l'entrée en vigueur de l'autre loi, l'article 21 de la présente loi est remplacé par ce qui suit: 30

21. Le paragraphe 8(7) de la *Loi sur la protection des renseignements personnels* est modifié par adjonction, après l'alinéa c), de ce qui suit: 35

d) du gouvernement nunatsiavut, au sens de l'article 2 de la *Loi sur l'Accord sur les revendications territoriales des Inuit du Labrador*. 40

(2) If section 21 of this Act comes into force before the other Act, then, on the coming into force of the other Act, subsection 8(7) of the *Privacy Act* is amended by striking out the word “or” at the end of paragraph (b), by adding the word “or” at the end of paragraph (c) and by adding the following after paragraph (c):

(d) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*.

(2) Si l'entrée en vigueur de l'article 21 de la présente loi est antérieure à celle de l'autre loi, à l'entrée en vigueur de l'autre loi, le paragraphe 8(7) de la *Loi sur la protection des renseignements personnels* est modifié par adjonction, après l'alinéa c), de ce qui suit :

d) du gouvernement nunatsiavut, au sens de l'article 2 de la *Loi sur l'Accord sur les revendications territoriales des Inuit du Labrador*.

OTHER AMENDMENTS

AUTRES MODIFICATIONS

2003, c. 10

26. (1) If subsection 3(1) of *An Act to amend the Lobbyists Registration Act*, chapter 10 of the Statutes of Canada, 2003 (the “other Act”), comes into force before the coming into force of section 19 of this Act, then, on the later of the coming into force of that subsection 3(1) and the day on which this Act receives royal assent, section 19 of this Act and the heading before it are repealed.

(2) If subsection 3(1) of the other Act comes into force after the day on which section 19 of this Act comes into force and section 23 of this Act has not had its effect, then, on the coming into force of that subsection 3(1), section 23 of this Act and the heading before it and paragraph 4(1)(d.4) of the *Lobbyists Registration Act*, as enacted by section 19 of this Act, are repealed.

(3) If subsection 3(1) of the other Act comes into force after the day on which section 19 of this Act comes into force and section 23 of this Act has had its effect, then, on the coming into force of that subsection 3(1), paragraph 4(1)(d.5) of the *Lobbyists Registration Act* is repealed.

26. (1) Si l'entrée en vigueur du paragraphe 3(1) de la *Loi modifiant la Loi sur l'enregistrement des lobbyistes* (appelée « autre loi » au présent article), chapitre 10 des Lois du Canada (2003), est antérieure à celle de l'article 19 de la présente loi, à l'entrée en vigueur du paragraphe 3(1) de l'autre loi ou, si elle est postérieure, à la sanction de la présente loi, l'article 19 de la présente loi et l'intertitre le précédant sont abrogés.

(2) Si l'entrée en vigueur de l'article 19 de la présente loi est antérieure à celle du paragraphe 3(1) de l'autre loi et que l'article 23 de la présente loi n'a pas produit ses effets, à l'entrée en vigueur du paragraphe 3(1) de l'autre loi, l'article 23 de la présente loi et l'intertitre le précédant et l'alinéa 4(1)d.4) de la *Loi sur l'enregistrement des lobbyistes*, édicté par l'article 19 de la présente loi, sont abrogés.

(3) Si l'entrée en vigueur de l'article 19 de la présente loi est antérieure à celle du paragraphe 3(1) de l'autre loi et que l'article 23 de la présente loi a produit ses effets, à l'entrée en vigueur du paragraphe 3(1) de l'autre loi, l'alinéa 4(1)d.5) de la *Loi sur l'enregistrement des lobbyistes* est abrogé.

COMING INTO FORCE

ENTRÉE EN VIGUEUR

Order in council

27. This Act, other than sections 22 to 26, comes into force on a day to be fixed by order of the Governor in Council.

27. La présente loi, à l'exception des articles 22 à 26, entre en vigueur à la date fixée par décret.

Décret

EXPLANATORY NOTES

NOTES EXPLICATIVES

Access to Information Act

Clause 16: Relevant portion of subsection 13(3):

(3) The expression “aboriginal government” in paragraph (1)(e) means

Canada National Parks Act

Clause 17: New.

Canada-Newfoundland Atlantic Accord Implementation Act

Clause 18: Relevant portion of section 4:

4. In case of any inconsistency or conflict between

...

(b) any other Act of Parliament that applies to the offshore area or any regulations made under that Act,

this Act and the regulations made thereunder take precedence.

Lobbyists Registration Act

Clause 19: Relevant portion of subsection 4(1):

4. (1) This Act does not apply to any of the following persons when acting in their official capacity, namely,

Payments in Lieu of Taxes Act

Clause 20: Relevant portion of the definition:

“taxing authority” means

Privacy Act

Clause 21: Relevant portion of subsection 8(7):

(7) The expression “aboriginal government” in paragraph (2)(k) means

Loi sur l'accès à l'information

Article 16: Texte du passage visé du paragraphe 13(3):

(3) L'expression «gouvernement autochtone» à l'alinéa (1)e) s'entend:

Loi sur les parcs nationaux du Canada

Article 17: Nouveau.

Loi de mise en oeuvre de l'Accord atlantique Canada — Terre-Neuve

Article 18: Texte de l'article 4:

4. Les dispositions de la présente loi et de ses textes d'application l'emportent sur les dispositions incompatibles de toute loi fédérale d'application extracôtière et de ses textes d'application.

Loi sur l'enregistrement des lobbyistes

Article 19: Texte du passage visé du paragraphe 4(1):

4. (1) La présente loi ne s'applique pas aux actes accomplis, dans le cadre de leurs attributions, par les personnes suivantes:

Loi sur les paiements versés en remplacement d'impôts

Article 20: Texte du passage visé de la définition:

«autorité taxatrice»

Loi sur la protection des renseignements personnels

Article 21: Texte du passage visé du paragraphe 8(7):

(7) L'expression «gouvernement autochtone» à l'alinéa (2)(k) s'entend:

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*Clause-by-Clause
Analysis*

**THE PROPOSED LABRADOR INUIT
LAND CLAIMS AGREEMENT ACT**

Clause by Clause Analysis

XXX Session, XXXXX Parliament,
53 Elizabeth II, 2005

House of Commons of Canada

BILL C-

An Act to give effect to the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement

Preamble

WHEREAS the *Constitution Act, 1982* recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada;

WHEREAS the Inuit of Labrador are an aboriginal people of Canada;

WHEREAS the Inuit of Labrador claim aboriginal rights in and to the Labrador Inuit Land Claims Area, as defined in the Agreement, 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;

WHEREAS the Inuit of Labrador, as represented by the Labrador Inuit Association, the Government of Newfoundland and Labrador and the Government of Canada have negotiated the Labrador Inuit Land Claims Agreement;

WHEREAS the Inuit of Labrador, by a vote held on May 26, 2004, approved the Agreement;

WHEREAS on December 6, 2004 the Legislature of the Province of Newfoundland and Labrador enacted the *Labrador Inuit Land Claims Agreement Act* to ratify the Agreement :

WHEREAS the Agreement was signed on behalf of the Inuit of Labrador, Her Majesty the Queen in right of Newfoundland and Labrador and Her Majesty the Queen in right of Canada on January 22, 2005;

AND WHEREAS the agreement requires that legislation be enacted by the Parliament of Canada in order for the Agreement to be ratified;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Labrador Inuit Land Claims Agreement Act*.

PREAMBLE

Preamble

The Preamble sets out the background to the negotiation of the Labrador Inuit Land Claims Agreement signed by the Labrador Inuit Association, the Government of Newfoundland and Labrador and the Government of Canada on January 22, 2005; outlines the details of approval and ratification of the Agreement by the other Parties; and notes that the Agreement provides that legislation be enacted by the Parliament of Canada to ratify the Agreement.

SHORT TITLE

Clause 1

Short title

What the provision does

- ▶ Provides a short title for this proposed Act.

INTERPRETATION

Definitions

2. The following definitions apply in this Act.

"Agreement"

« *Accord* »

"Agreement" means the land claims agreement signed on behalf of the Inuit of Labrador, Her Majesty the Queen in right of Newfoundland and Labrador and Her Majesty the Queen in right of Canada on January 22, 2005, including any amendments made to it.

INTERPRETATION

Clause 2	“Agreement”
-----------------	--------------------

Definition of “Agreement”

What the provision does

- Defines the term “Agreement” used in this proposed Act to mean the land claims agreement between the Inuit of Labrador, the Government of Newfoundland and Labrador and the Government of Canada signed on January 22, 2005.

Explanation:

Subsequent to this provision, there would be no need for citation of the full name of the Labrador Inuit Land Claims Agreement or identifying detail throughout this proposed Act.

INTERPRETATION (continued)

“Inuit bylaw”

« règlement inuit »

“Inuit Bylaw” means a Bylaw as defined in section 1.1.1 of the Agreement.

“Inuit law”

« loi inuite »

“Inuit law” means an Inuit law as defined in section 1.1.1 of the Agreement

INTERPRETATION (continued)

Clause 2 (continued)	“Inuit bylaw”, “Inuit law”
----------------------	----------------------------

Definition of “Inuit bylaw”

What the provision does

- ▶ Defines the term “Inuit bylaw” used in this proposed Act to mean a Bylaw as defined in section 1.1.1 of the Labrador Inuit Land Claims Agreement.

Explanation:

Subsequent to this provision, references to “Inuit bylaw” would not need to reproduce the wording of the definition of Bylaw found in section 1.1.1 of the Labrador Inuit Land Claims Agreement.

Section 1.1.1 of the Labrador Inuit Land Claims Agreement defines Bylaw to mean a regulation made by an Inuit Community Government.

Definition of “Inuit law”

What the provision does

- ▶ Defines the term “Inuit law” used in this proposed Act to mean an Inuit Law as defined in section 1.1.1 of the Labrador Inuit Land Claims Agreement.

Explanation:

Subsequent to this provision, references to “Inuit law” would not need to reproduce the wording of the definition of Inuit Law found in section 1.1.1 of the Labrador Inuit Land Claims Agreement.

Section 1.1.1 of the Labrador Inuit Land Claims Agreement defines Inuit Law to mean a law of the Nunatsiavut Government.

INTERPRETATION (continued)

Nunatsiavut Government"
« *gouvernement nunatsiavut* »

"Nunatsiavut Government" means the government established pursuant to subsection 17.3.3(a) of the Agreement.

INTERPRETATION (continued)

Clause 2	“Nunatsiavut Government”
----------	--------------------------

Definition of “Nunatsiavut Government”**What the provision does**

- Defines the term “Nunatsiavut Government” used in this proposed Act to mean the government established under the Constitution pursuant to section 17.3.3(a) of the Labrador Inuit Land Claims Agreement.

Explanation:

Subsequent to this provision, references to “Nunatsiavut Government” would not need to reproduce the wording of subsection 17.3.3(a) of the Labrador Inuit Land Claims Agreement.

Subsection 17.3.3(a) of the Labrador Inuit Land Claims Agreement states that the Labrador Inuit Constitution shall provide for 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. The Nunatsiavut Government is a “central” Inuit government.

INTERPRETATION (continued)

"Tax Treatment Agreement"
« *accord sur le traitement fiscal* »

"Tax Treatment Agreement" means the tax treatment agreement signed on behalf of the Inuit of Labrador on March 15, 2005, Her Majesty the Queen in Right of Newfoundland and Labrador on March 24, 2005 and Her Majesty the Queen in right of Canada on April 12, 2005, including any amendments made to it.

Status of Agreement

3. The Agreement is a treaty and a land claims agreement within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.

INTERPRETATION (continued)

Clause 2 (continued)	“Tax Treatment Agreement”
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Definition of “Tax Treatment Agreement”**What the provision does**

- Defines the term “Tax Treatment Agreement” used in this proposed Act to mean the Labrador Inuit Tax Treatment Agreement between the Government of Canada, the Government of Newfoundland and Labrador and the Inuit of Labrador, signed on behalf of the Government of Canada on April 12, 2005 on behalf of the Government of Newfoundland and Labrador on March 24, 2005 and on behalf of the Inuit of Labrador on March 15, 2005.

Explanation:

Subsequent to this provision, there would be no need for citation of the full name of the Labrador Inuit Tax Treatment Agreement or identifying detail throughout this proposed Act.

Clause 3

Clause 3: Status of Agreement**What the provision does**

- Provides that the Labrador Inuit Land Claims Agreement is a treaty and a land claims agreement within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.

Explanation:

The Labrador Inuit Land Claims Agreement would be constitutionally protected under the *Constitution Act, 1982*.

HER MAJESTY

Act binding on Her Majesty

4. (1) This Act is binding on Her Majesty in right of Canada or a province so as to give effect to the Agreement in accordance with its provisions.

Inuit Laws and bylaws

(2) Nothing in subsection (1) has the effect of rendering Her Majesty in right of Canada or a province bound by Inuit laws or Inuit bylaws.

HER MAJESTY

Clause 4

Clause 4(1): Act binding on Her Majesty

What the provision does

- ▶ This provision makes this Act binding on the Crown in right of Canada or a province to the extent necessary to give effect to the provisions of the Agreement that are intended to bind the Crown.

Explanation: The Parties to the Agreement have agreed that the legislation will bind the Crown. This provision gives effect to that commitment.

Clause 4(2): Inuit Laws and bylaws

What the provision does

- ▶ This provision clarifies that Inuit laws and Bylaws are not intended to legally bind Canada or a province.

AGREEMENT

Agreement given effect

5. (1) The Agreement is approved, given effect and declared valid and has the force of law.

Rights and obligations

(2) For greater certainty, any person or body has powers, rights, privileges and benefits conferred on the person or body by the Agreement and shall perform the duties, and is subject to the liabilities, imposed on the person or body by the Agreement.

Third parties

(3) For greater certainty, the Agreement is binding on, and may be relied on by, all persons and bodies that are not parties to it.

AGREEMENT

Clause 5

Clause 5(1): Agreement given effect

What the provision does

- ▶ Ratifies the Labrador Inuit Land Claims Agreement and gives its provisions the force of law.

Explanation

This provision would give the force of law to the Labrador Inuit Land Claims Agreement and any amendments made to the Agreement from time to time in accordance with its provisions.

Clause 5(2): Rights and obligations

What the provision does

- ▶ Gives legal force and effect to any portion of the Labrador Inuit Land Claims Agreement which provides that a person or body has powers or duties.

Explanation

This provision would make it clear that any person or body is able to exercise the powers, and shall perform the duties, assigned to them under the Labrador Inuit Land Claims Agreement.

Clause 5(3): Third parties

What the provision does

- ▶ Provides that the Labrador Inuit Land Claims Agreement is enforceable in court by and against all persons and bodies that are not parties to it.

Explanation

This provision would make it clear that the Labrador Inuit Land Claims Agreement is binding on and may be relied on by those persons or bodies to which the Agreement applies even if they are not parties to the Agreement.

AGREEMENT (continued)

Saving

(4) Despite subsection (3), sections 17.27.8 and 17.27.9 may be invoked only by Her Majesty in right of Canada or by the Nunatsiavut Government.

Inconsistency with Agreement

6. (1) In the event of an inconsistency or a conflict between the Agreement and any federal or provincial law, including this Act, the Agreement prevails to the extent of the inconsistency or conflict.

AGREEMENT (continued)

Clause 5 (continued)

Clause 5(4): Saving

What the provision does

- Provides that the provisions of the Labrador Inuit Land Claims Agreement respecting Canada's international legal obligations may only be invoked by the Government of Canada or the Nunatsiavut Government.

Explanation

This provision excludes the ability of a third party to invoke part 17.27 as Canada is solely responsible for international law or compliance with its international legal obligations. Further, this provision provides Canada with a direct ability to ensure compliance of Inuit laws vis a vis Canada's international legal obligation.

Clause 6

Clause 6(1): Inconsistency with Agreement

What the provision does

- Provides that the Labrador Inuit Land Claims Agreement would prevail over any Act of Parliament, including this proposed Act, to the extent of any inconsistency or conflict.

Explanation

This provision would confirm the principle of section 2.15.2 of the Labrador Inuit Land Claims Agreement, which gives priority to the Agreement over any federal law.

AGREEMENT (continued)

Inconsistency with Act

6. (2) In the event of an inconsistency or a conflict between this Act and any other federal or provincial law, this Act prevails to the extent of the inconsistency or conflict.

APPROPRIATION

Payments out of C.R.F.

7. There shall be paid out of the Consolidated Revenue Fund any sums that are required to meet the monetary obligations of Her Majesty in Right of Canada under chapters 18, 19 and 23 of the Agreement.

AGREEMENT (continued)

Clause 6 (continued)

Clause 6(2): Inconsistency with Act

What the provision does

- ▶ Provides that this proposed Act would prevail over any other Act of Parliament, to the extent of any inconsistency or conflict.

Explanation

This provision would confirm the principle of section 2.15.3 of the Labrador Inuit Land Claims Agreement, which gives priority to federal ratification legislation over any other law.

APPROPRIATION

Clause 7

Payments out of C.R.F.

What the provision does

- ▶ Provides that any sums that are required to meet the monetary obligations of Canada, under chapters 18, 19 and 23 of the Labrador Inuit Land Claims Agreement, would be paid out of the Consolidated Revenue Fund.

Explanation

The Consolidated Revenue Fund is normally used to meet the monetary obligations of Canada under provisions of land claim agreements. This would be the case with the sums to be paid to the Inuit, on or after the effective date, as specified in chapters 18, 19 and 23 of the Labrador Inuit Land Claims Agreement. These chapters deal with fiscal financing agreements, capital transfers and implementation.

TAXATION

Tax Treatment Agreement
given effect

8. The Tax Treatment Agreement is approved, given effect and declared valid and has the force of law during the period that it is in effect.

Not a treaty

9. The Tax Treatment Agreement does not form part of the Agreement and is not a treaty or a land claims agreement within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.

TAXATION

Clause 8

Clause 8: Tax Treatment Agreement given effect

What the provision does

- ▶ Ratifies the Labrador Inuit Tax Treatment Agreement and gives its provisions the force of law during the period that it is in effect.

Explanation

The Labrador Inuit Tax Treatment Agreement would clarify the tax treatment of Inuit capital, Inuit Government, corporations or other entities of Inuit Government and the Inuit settlement trust. The Tax Treatment Agreement would come into effect on the effective date of the Labrador Inuit Land Claims Agreement.

Clause 9

Clause 9: Not a treaty

What the provision does

- ▶ Provides that the rights in the Labrador Inuit Tax Treatment Agreement would not have constitutional protection like those in a treaty or land claims agreement.

Explanation

The Labrador Inuit Tax Treatment Agreement is separate from the Labrador Inuit Land Claims Agreement. The Tax Treatment Agreement is not intended to be a treaty and thus any rights under it would not acquire constitutional protection similar to those in a treaty or land claims agreement.

GENERAL

Judicial notice of
Agreements

10. (1) Judicial notice shall be taken of the Agreement and the Tax Treatment Agreement.

Publication of Agreements

- (2) The Agreement and the Tax Treatment Agreement shall be published by the Queen's Printer.

Evidence

- (3) A copy of the Agreement or the Tax Treatment Agreement published by the Queen's Printer is evidence of that agreement and of its contents, and a copy purporting to be published by the Queen's Printer is deemed to be so published, unless the contrary is shown.

GENERAL**Clause 10****Clause 10(1): Judicial notice of Agreements****What the provision does**

- ▶ Requires that judicial notice be taken of the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement.

Explanation

This provision provides that the court would recognize and accept the existence and contents of the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement without the production of evidence by parties to litigation.

Clause 10(2): Publication of Agreements**What the provision does**

- ▶ Requires Queen's Printer publication of the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement.

Explanation

This provision would ensure that the official version of both the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement would be identifiable by a reference to the official government printer.

Clause 10(3): Evidence**What the provision does**

- ▶ Confirms that the Queen's Printer version of either the Labrador Inuit Land Claims Agreement or the Labrador Inuit Tax Treatment Agreement may be relied upon as proof of their contents in court.

Explanation

This provision provides that the court would recognize and accept a version of the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement purporting to be published by the Queen's Printer, without the production of evidence by parties to litigation.

GENERAL (continued)

Judicial notice of Inuit laws and Inuit bylaws

11. (1) Judicial notice shall be taken of Inuit laws and Inuit bylaws.

Evidence of Inuit laws and bylaws

(2) A copy of an Inuit law or an Inuit bylaw purporting to be deposited in a public registry of laws referred to in section 17.5.1 or 17.5.2 of the Agreement is evidence of that law or bylaw and of its contents, unless the contrary is shown.

GENERAL (continued)**Clause 11****Clause 11(1): Judicial notice of Inuit laws and Inuit bylaws****What the provision does**

- ▶ Dispenses with the need for evidence to prove the existence or content of an Inuit law or Inuit bylaw in a court case in which the Inuit law or Inuit bylaw is relevant.

Explanation

This provision instructs courts to recognize and accept the existence and content of Inuit laws and Inuit bylaws without the production of evidence by parties to litigation. This would reduce the burden on parties to litigation as they would not be required to prove the existence of laws upon which they are relying for argument in their respective cases.

Clause 11(2): Evidence of Inuit laws and bylaws**What the provision does**

- ▶ Provides that a copy of an Inuit law deposited in a public registry of laws maintained by the Nunatsiavut Government, or a copy of an Inuit bylaw deposited in a public registry of laws maintained by an Inuit Community Government, may be relied upon as proof of its contents in court.

Explanation

This provision instructs courts to recognize and accept a copy of an Inuit law or Inuit bylaw purporting to have been deposited in a public registry of laws maintained by the Inuit as proof of its validity without the production of evidence by parties to litigation. This would reduce the burden on parties to litigation as they would not be required to prove the validity of laws upon which they are relying for argument in their respective cases.

GENERAL (continued)

Statutory Instruments Act

12. For greater certainty, Inuit laws and Inuit bylaws are not statutory instruments within the meaning of the *Statutory Instruments Act*.

Orders and regulations

13. The Governor in Council may make any orders and regulations that are necessary for the purpose of carrying out any of the provisions of the Agreement or of the Tax Treatment Agreement.

Chapter 22 of the Agreement

14. Despite subsection 5(1), chapter 22 of the Agreement is deemed to have effect from August 29, 2003.

GENERAL (continued)

Clause 12

Statutory Instruments Act

What the provision does

- Provides that the *Statutory Instruments Act* would not apply to Inuit laws and Inuit bylaws.

Explanation

This provision would make it clear that there would not be a requirement to have Inuit laws and Inuit bylaws reviewed, registered and published in the Canada Gazette, as is required for federal regulations.

The Nunatsiavut Government will maintain a public registry of Inuit Laws and By-laws.

Clause 13

Orders and regulations

What the provision does

- Provides the Governor in Council with general regulation-making powers.

Explanation

This provision would facilitate the establishment of any orders or regulations that would be required to give effect to the Labrador Inuit Land Claims Agreement or the Labrador Inuit Tax Treatment Agreement.

Clause 14

Chapter 22 of the Agreement

What the provision does

- Retroactively validates the ratification procedures set out in the Labrador Inuit Land Claims Agreement.

Explanation

Some of the ratification procedures set out in chapter 22 of the Labrador Inuit Land Claims were undertaken before the effective date of the Agreement in order to carry out the Inuit ratification vote held on May 26, 2004. This provision would ensure that those ratification procedures are considered valid, even though they were taken before the Agreement came into effect.

GENERAL (continued)

Notice of issues arising

15. (1) If, in any judicial or administrative proceeding, an issue arises in respect of

(a) the interpretation or validity of the Agreement, or

(b) the validity or applicability of this Act, the enactment by the Legislature of the Province of Newfoundland and Labrador entitled the *Labrador Inuit Land Claims Agreement Act* or any Inuit law or Inuit bylaw,

the issue shall not be decided until the party raising the issue has served notice on the Attorney General of Canada, the Attorney General of Newfoundland and Labrador and the Nunatsiavut Government.

Content of notice

(2) The notice shall

(a) describe the judicial or administrative proceeding in which the issue arises;

(b) state whether the issue arises in respect of the matters referred to in paragraph (1)(a) or (b) or both;

(c) state the day on which the issue is to be argued;

(d) give particulars necessary to show the point to be argued; and

(e) be served at least 14 days before the day of argument, unless the court or tribunal authorizes a shorter period.

Participation in proceedings

(3) In any judicial or administrative proceeding to which subsection (1) applies, the Attorney General of Canada, the Attorney General of Newfoundland and Labrador and the Nunatsiavut Government may appear and participate in the proceeding as parties with the same rights as any other party.

GENERAL (continued)**Clause 15****Clause 15(1): Notice of issues arising****What the provision does**

- ▶ Provides for notice to Canada, Newfoundland and Labrador and the Nunatsiavut Government of any legal proceeding in which the interpretation or validity of the Labrador Inuit Land Claims Agreement, or the validity or applicability of this proposed Act, or any Inuit law or Inuit bylaw, is in issue.

Explanation

The parties to the Labrador Inuit Land Claims Agreement would be made aware of any legal proceedings in which the Agreement, this proposed Act or an Inuit law or Inuit bylaw are at issue. The parties would therefore be able to determine whether or not to participate in the proceedings.

Clause 15(2): Content of notice**What the provision does**

- ▶ Provides for the contents of the notice required under clause 15(1).

Explanation

This provision would aid the parties in deciding whether or not to participate in legal proceedings in which the Labrador Inuit Land Claims Agreement, this proposed Act or an Inuit law or Inuit bylaw are at issue and, if so, how to participate.

Clause 15(3): Participation in proceedings**What the provision does**

- ▶ Provides an automatic right for Canada, Newfoundland and Labrador and the Nunatsiavut Government to participate as a party in any legal proceedings referred to in clause 15(1).

Explanation

This provision would allow the parties the opportunity to participate in legal proceedings in which the Labrador Inuit Land Claims Agreement, this proposed Act or an Inuit law or Inuit bylaw are at issue on the same basis as any other party to the proceedings.

GENERAL (continued)

Saving

(4) For greater certainty, subsections (2) and (3) do not require that an oral hearing be held if one is not otherwise required.

GENERAL (continued)

Clause 15 (continued)

Clause 15(4): Saving

What the provision does

- ▶ Clarifies that subsections 15(2) and 15(3) do not require oral hearings.

Explanation

This provision would make it clear that written submissions are admissible in lieu of an oral hearing if an oral hearing is not otherwise required.

CONSEQUENTIAL AMENDMENTS

ACCESS TO INFORMATION ACT

16. Subsection 13(3) of the *Access to Information Act* is amended by striking out the word “or” at the end of paragraph (a), by adding the word “or” at the end of paragraph (b) and by adding the following after paragraph (b):

(c) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*.

CONSEQUENTIAL AMENDMENTS (continued)

Clause 16

*Access to Information Act***What the provision does**

- ▶ Amends subsection 13(3) of the *Access to Information Act* to include the Nunatsiavut Government in the Act's definition of "aboriginal government"

Explanation

Existing section 13 of the *Access to Information Act* prohibits the disclosure of information obtained in confidence from "aboriginal governments". The proposed amendment would implement sections 2.19.1 and 2.19.2 of the Labrador Inuit Land Claims Agreement which require that information required from the Nunatsiavut Government in confidence is treated in a manner similar to information obtained from other governments. Information would not be released unless the Nunatsiavut Government consents to the disclosure or makes the information public.

2.19.1 No Government is required to disclose any information that it is required or entitled to withhold under any law relating to access to or privacy of information.

2.19.2 If a Government has a discretion to disclose any information, it shall take the Agreement into account in exercising that discretion.

CONSEQUENTIAL AMENDMENTS (continued)

CANADA NATIONAL PARKS ACT

17. Schedule 2 of the *Canada National Parks Act* is amended by adding the following after the description of Gwaii Haanas National Park Reserve of Canada:

TORNGAT MOUNTAINS NATIONAL PARK RESERVE OF CANADA

All that parcel of land in the Province of Newfoundland and Labrador shown on a descriptive map plan prepared by the Department of Natural Resources, dated November 15, 2004 and recorded in the Crown Lands Registry Office in St. John's, Newfoundland and Labrador, under number SP 367; a copy of the plan is attached as appendix D-1 to the Agreement, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*; said parcel contains an area of approximately 9,700 square kilometres.

CONSEQUENTIAL AMENDMENTS (continued)

Clause 17

Canada National Parks Act

What the provision does

- ▶ Provides for the creation of the Torngat Mountains National Park Reserve of Canada.

Explanation

Section 9.1.1 of the Labrador Inuit Land Claims Agreement provides for the creation of the Torngat Mountains National Park Reserve on the effective date of the Agreement. This provision provides the geographical description of the Torngat Mountains National Park Reserve of Canada that will be included in Schedule 2 of the *Canada National Parks Act*.

- 9.1.1 The area set out in the Map Atlas (shown for illustrative purposes only in schedule 9-A) and described in appendix D-2 shall become a National Park Reserve, to be called the Torngat Mountains National Park Reserve of Canada, on the Effective Date.

CONSEQUENTIAL AMENDMENTS (continued)

CANADA NEWFOUNDLAND ATLANTIC ACCORD IMPLEMENTATION ACT

18. Paragraph 4(b) of the *Canada-Newfoundland Atlantic Accord Implementation Act* is replaced by the following:

(b) any other Act of Parliament that applies to the offshore area or any regulations made under that Act, except the *Labrador Inuit Land Claims Agreement Act*,

CONSEQUENTIAL AMENDMENTS (continued)

Clause 18

Canada-Newfoundland Atlantic Accord Implementation Act

What the provision does

- ▶ Clarifies that the Labrador Inuit Land Claims Agreement Act will prevail in the event of any inconsistency or conflict with the *Canada-Newfoundland Atlantic Accord Implementation Act*.

Explanation

Paragraph 4(b) of the *Canada-Newfoundland Atlantic Accord Implementation Act* stipulates that that Act or any regulations made under it, prevail in the event of any inconsistency or conflict with another piece of legislation or any regulations that applies to the offshore.

This amendment would provide that the Labrador Inuit Land Claims Agreement Act would prevail in the event of any inconsistency or conflict with the *Canada-Newfoundland Atlantic Accord Implementation Act* or any regulations made thereunder.

CONSEQUENTIAL AMENDMENTS (continued)

LOBBYISTS REGISTRATION ACT

19. Subsection 4(1) of the *Lobbyists Registration Act* is amended by adding the following after paragraph (d.3):

(d.4) members or employees of the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*, or persons on the staff of those members;

CONSEQUENTIAL AMENDMENTS (continued)

Clause 19

*Lobbyists Registration Act***What the provision does**

- ▶ Adds to subsection 4(1) of the *Lobbyists Registration Act* to provide that it would not apply to members or employees of the Nunatsiavut Government or persons on the staff of those members, or employees.

Explanation

The proposed exemption from the *Lobbyists Registration Act* provided to the Nunatsiavut Government pursuant to this Act would be similar to the current exemption from registration in respect of employees of the government of a province, municipalities, Indian Bands, Yukon First Nations or the Nisga'a Government and the exemption that will provided to the Tlicho Government.

CONSEQUENTIAL AMENDMENTS (continued)

PAYMENTS IN LIEU OF TAXES ACT

20. The definition “taxing authority” in subsection 2(1) of the *Payments in Lieu of Taxes Act* is amended by striking out the word “or” at the end of paragraph (e), by adding the word “or” at the end of paragraph (f) and by adding the following after paragraph (f):

(g) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*, or an Inuit Community Government, as defined in section 1.1.1 of the Labrador Inuit Land Claims Agreement approved by that Act, if it levies and collects a real property tax or a frontage or area tax in respect of Labrador Inuit Lands or Community Lands, as defined in section 1.1.1 of that Agreement, as the case may be.

CONSEQUENTIAL AMENDMENTS (continued)

Clause 20

PAYMENTS IN LIEU OF TAXES ACT**What the provision does**

- ▶ Amends subsection 2(1) of the *Payments in Lieu of Taxes Act* to provide that the Nunatsiavut Government or an Inuit Community Government would be a taxing authority

Explanation

In subsection 20.2.1(a) and section 20.2.2 of the Labrador Inuit Land Claims Agreement, the Nunatsiavut Government and the Inuit Community Governments would have the power to tax Inuit on Labrador Inuit Lands or in Inuit Communities. The proposed provisions would recognize this taxing authority so that payments in lieu of taxes may be made to the Nunatsiavut Government or an Inuit Community Government.

20.2.1 The Nunatsiavut Government may make laws in relation to:

- (a) Direct taxation of Inuit within Labrador Inuit Lands and the Inuit Communities, in order to raise revenues for Nunatsiavut Government purposes;

20.2.2 The powers of an Inuit Community Government to make laws in relation to the Direct taxation of Inuit shall be the same as the powers of a municipality under Provincial Legislation but in no case shall the powers of the Inuit Government to make laws in relation to Direct taxation of Inuit be less than the powers that may be exercised by a municipality under Provincial Legislation on the Effective Date.

CONSEQUENTIAL AMENDMENTS (continued)

PRIVACY ACT

21. Subsection 8(7) of the Privacy Act is amended by striking out the word “or” at the end of paragraph (a), by adding the word “or” at the end of paragraph (b) and by adding the following after paragraph (b):

(c) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*.

CONSEQUENTIAL AMENDMENTS (continued)

Clause 21

Privacy Act

What the provision does

- ▶ Amends subsection 8(7) of the *Privacy Act*, concerning the definition of "aboriginal governments" to include the Nunatsiavut Government.

Explanation

For the purposes of paragraph 8(2)(b) of the *Privacy Act*, subsection 8(7) of that Act defines "aboriginal government" as the Nisga'a Government. That paragraph allows government to disclose private information to an Aboriginal government for certain purposes. The proposed amendment would include the Nunatsiavut Government in the list of Aboriginal governments to which this paragraph would apply.

COORDINATING AMENDMENTS

ACCESS TO INFORMATION ACT

22. (1) If the *Tlicho Land Claims and Self-Government Act*, chapter 1 of the Statutes of Canada, 2005 (the “other Act”), comes into force before section 16 of this Act, then, on the coming into force of the other Act, section 16 of this Act is replaced by the following:

16. Subsection 13(3) of the *Access to Information Act* is amended by striking out the word “or” at the end of paragraph (b), by adding the word “or” at the end of paragraph (c) and by adding the following after paragraph (c):

(d) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*.

(2) If section 16 of this Act comes into force before the other Act, then, on the coming into force of the other Act, subsection 13(3) of the *Access to Information Act* is amended by striking out the word “or” at the end of paragraph (b), by adding the word “or” at the end of paragraph (c) and by adding the following after paragraph (c):

(d) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*.

COORDINATING AMENDMENTS

Clause 22

*Access to Information Act***What the provision does**

- ▶ Replaces the amendment to subsection 13(3) of the *Access to Information Act* made by Clause 16 of this proposed Act (the Labrador Inuit Bill) and by Clause 97 of the Tlicho Land Claims and Self-Government Act (Tlicho Act) once both the Labrador Inuit Bill and the Tlicho Act are in force.

Explanation

The Tlicho Act has received Royal Assent, but has not yet come into force. Section 97 of the Tlicho Act would amend subsection 13(3) of the *Access to Information Act* so as to include a reference to Tlicho Government.

This Act would amend the same provision of the *Access to Information Act* to include a reference to the Nunatsiavut Government. Once the Tlicho Act and the Labrador Inuit Bill are both in force, this further amendment to subsection 13(3) of the *Access to Information Act* would be needed to ensure that this provision of the *Access to Information Act* refers to both governments.

COORDINATING AMENDMENTS (continued)

LOBBYISTS REGISTRATION ACT

23. (1) If the *Tlicho Land Claims and Self-Government Act*, chapter 1 of the Statutes of Canada, 2005 (the “other Act”), comes into force before section 19 of this Act, then, on the coming into force of the other Act, section 19 of this Act is replaced by the following:

19. Subsection 4(1) of the *Lobbyists Registration Act* is amended by adding the following after paragraph (d.4):

(d.5) members or employees of the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*, or persons on the staff of those members;

(2) If section 19 of this Act comes into force before the other Act, then, on the coming into force of the other Act, paragraph 4(1)(d.4) of the *Lobbyists Registration Act*, as enacted by section 19 of this Act is replaced by the following:

(d.5) members or employees of the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*, or persons on the staff of those members;

COORDINATING AMENDMENTS (continued)

Clause 23

*Lobbyists Registration Act***What the provision does**

- ▶ Replaces the amendment to paragraph 4(1)(d.3) of the *Lobbyists Registration Act* made by section 19 of this proposed Act (the Labrador Inuit Bill) and by the Tlicho Land Claims and Self-Government Act (the Tlicho Act) once both the Labrador Inuit Bill and the Tlicho Act are in force.

Explanation

The Tlicho Act has received Royal Assent, but has not yet come into force. Section 100 of the Tlicho Act would amend paragraph 4(1)(d.3) of the *Lobbyists Registration Act* so as to include a reference to the Tlicho Government.

This Act would amend the same provision of the *Lobbyists Registration Act* to include a reference to the Nunatsiavut Government. Once the Labrador Inuit Bill and the Tlicho Act are both in force, this further amendment to paragraph 4(1)(d.3) of the *Lobbyists Registration Act* would be needed to ensure that subsection 4(1) of the *Lobbyists Registration Act* ends up referring to both governments.

COORDINATING AMENDMENTS (continued)

PAYMENTS IN LIEU OF TAXES ACT

24. (1) If the *Tlicho Land Claims and Self-Government Act*, chapter 1 of the Statutes of Canada, 2005 (the “other Act”) comes into force before section 20 of this Act, then, on the coming into force of the other Act, section 20 of this Act is replaced by the following:

20. The definition “taxing authority” in subsection 2(1) of the *Payments in Lieu of Taxes Act* is amended by striking out the word “or” at the end of paragraph (f), by adding the word “or” at the end of paragraph (g) and by adding the following after paragraph (g):

(h) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*, or an Inuit Community Government, as defined in section 1.1.1 of the Labrador Inuit Land Claims Agreement approved by that Act, if it levies and collects a real property tax or a frontage or area tax in respect of Labrador Inuit Lands or Community Lands, as defined in section 1.1.1 of that Agreement, as the case may be.

(2) If section 20 of this Act comes into force before the other Act, then, on the coming into force of the other Act, the definition “taxing authority” in subsection 2(1) of the *Payments in Lieu of Taxes Act* is amended by striking out the word “or” at the end of paragraph (f), by adding the word “or” at the end of paragraph (g) and by replacing paragraph (g), as enacted by section 20 of this Act, with the following:

(h) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*, or an Inuit Community Government, as defined in section 1.1.1 of the Labrador Inuit Land Claims Agreement approved by the that Act, if it levies and collects a real property tax or a frontage or area tax in respect of Labrador Inuit Lands or Community Lands, as defined in section 1.1.1 of that Agreement, as the case may be.

COORDINATING AMENDMENTS (continued)

Clause 24

Payments in Lieu of Taxes**What the provision does**

- ▶ Replaces the amendment to section 2(1) of the *Payments in Lieu of Taxes Act* made by section 20 of this proposed Act (the Labrador Inuit Bill) and by section 105 of the Tliche Land Claims and Self-Government Act (the Tliche Act) once both the Labrador Inuit Bill and the Tliche Act are in force.

Explanation

The Tliche Act has received Royal Assent, but has not yet come into force. Section 105 of the Tliche Act would amend section 2(1) of the *Payments in Lieu of Taxes Act* so as to include a reference to the Nunatsiavut Government.

This Act would amend the same provision of the *Payments in Lieu of Taxes Act* to include a reference to the Nunatsiavut Government. Once the Labrador Inuit Bill and the Tliche Act are both in force, this further amendment to section 2(1) of the *Payments in Lieu of Taxes Act* would be needed to ensure that section 2(1) of the *Payments in Lieu of Taxes Act* ends up referring to both governments.

COORDINATING AMENDMENTS (continued)

PRIVACY ACT

25. (1) If the Tlicho Land Claims and Self-Government Act chapter 1 of the Statutes of Canada, 2005 (the other Act), comes into force before section 21 of this Act, then, on the coming into force of the other Act, section 21 of this Act is replaced by the following:

21. Subsection 8(7) of the *Privacy Act* is amended by striking out the word “or” at the end of paragraph (b), by adding the word “or” at the end of paragraph (c) and by adding the following after paragraph (c):

(d) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*.

(2) If section 21 of this Act comes into force before the other Act, then, on the coming into force of the other Act, subsection 8(7) of the *Privacy Act* is amended by striking out the word “or” at the end of paragraph (b), by adding the word “or” at the end of paragraph (c) and by adding the following after paragraph (c):

(d) the Nunatsiavut Government, as defined in section 2 of the *Labrador Inuit Land Claims Agreement Act*.

COORDINATING AMENDMENTS (continued)

Clause 25

*Privacy Act***What the provision does**

- Replaces the amendment to section 8(7) of the *Privacy Act* made by section 21 of this proposed Act (the Labrador Inuit Bill) and by the Tlicho Land Claims and Self-Government Act (the Tlicho Act) once both the Labrador Inuit Bill and the Tlicho Act are in force.

Explanation

The Tlicho Act has received Royal Assent, but has not yet come into force. Section 106 of the Tlicho Act would amend section 2(1) of the *Privacy Act* so as to include a reference to the Nunatsiavut Government.

This Act would amend the same provision of the *Privacy Act* to include a reference to the Nunatsiavut Government. Once the Labrador Inuit Bill and the Tlicho Act are both in force, this further amendment to section 8(7) of the *Privacy Act* would be needed to ensure that section 8(7) of the *Privacy Act* ends up referring to both governments.

OTHER AMENDMENTS

26. (1) If subsection 3(1) of *An Act to amend the Lobbyists Registration Act*, chapter 10 of the Statutes of Canada, 2003 (the “other Act”), comes into force before the coming into force of section 19 of this Act, then, on the later of the coming into force of that subsection 3(1) and the day on which this Act receives royal assent, section 19 of this Act and the heading before it are repealed.

OTHER AMENDMENTS

Clause 26

Subclause 26(1)

What the provision does

- ▶ Repeals section 19 of this proposed Act (the Labrador Inuit Bill) if *An Act to amend the Lobbyists Registration Act* comes into force before the day clause 19 of the Labrador Inuit Bill comes into force.

Explanation

An Act to amend the Lobbyists Registration Act has received Royal Assent, but has not yet come into force. That Act will replace paragraphs 4(1)(d.1) and (d.2) of the *Lobbyists Registration Act* which exempt governing bodies under the *Yukon First Nations Self-Government Act* and the *Nisga'a Final Agreement Act*, respectively, by a generic provision exempting members of Aboriginal governments or institutions exercising jurisdiction pursuant to a self-government agreement or self-government provisions of a land claim agreement given effect by federal legislation. Should *An Act to amend the Lobbyists Registration Act* come into force prior to the Labrador Inuit Bill, no consequential amendment respecting the Nunatsiavut Government would be necessary and thus section 19 of this Act should be repealed, nor would the coordinating amendment referred to in section 23 of the proposed Act necessary .

OTHER AMENDMENTS (continued)

26 (2) If subsection 3(1) of the other Act comes into force after the day on which section 19 of this Act comes into force and section 23 of this Act has not had its effect, then, on the coming into force of that subsection 3(1), section 23 of this Act and the heading before it and paragraph 4(1)(d.4) of the *Lobbyists Registration Act*, as enacted by section 19 of this Act, are repealed.

OTHER AMENDMENTS (continued)

Clause 26

Subclause 26(2)

What the provision does

- Repeals paragraph 4(1)(d.3) of the *Lobbyists Registration Act*, as enacted by section 19 of this proposed Act (the Labrador Inuit Bill) if *An Act to amend the Lobbyists Registration Act* comes into force before the day clause 19 of the Labrador Inuit Bill comes into force.

Explanation

An Act to amend the Lobbyists Registration Act has received Royal Assent, but has not yet come into force. That Act will replace paragraphs 4(1)(d.1) and (d.2) of the *Lobbyists Registration Act* which exempt governing bodies under the *Yukon First Nations Self-Government Act* and the *Nisga'a Final Agreement Act*, respectively, by a generic provision exemption members of Aboriginal governments or institutions exercising jurisdiction pursuant to a self-government agreement or self-government provisions of a land claim agreement given effect by federal legislation. Should the Labrador Inuit Bill come into force before *An Act to amend the Lobbyists Registration Act* and the *Tlicho Land Claims and Self-Government Act*, the *Lobbyists Registration Act* thereby be amended to add to existing paragraphs 4(1)(d.1 and (d.2) a new paragraph, 4(1) (d.4) respecting the Nunatsiavut Government. Upon coming into force of *An Act to amend the Lobbyists Registration Act*, this new paragraph needs to be repealed since the Nunatsiavut Government would be covered by the new generic provisions of the *Lobbyists Registration Act*.

OTHER AMENDMENTS (continued)

26 (3) If subsection 3(1) of the other Act comes into force after the day on which section 19 of this Act comes into force and section 23 of the Act has had its effect, then, on the coming into force of that subsection 3(1), paragraph 4(1)(d.5) of the *Lobbyists Registration Act* is repealed.

OTHER AMENDMENTS (continued)

Clause 26

Subclause 26(3)

What the provision does

- ▶ Repeals paragraph 4(1)(d.4) and (d.5) of the *Lobbyists Registration Act*, as enacted by section 19 of this proposed Act (the Labrador Inuit Bill) if *An Act to amend the Lobbyists Registration Act* comes into force after the day section 23 of the Labrador Inuit Bill has had its effect.

Explanation

An Act to amend the Lobbyists Registration Act has received Royal Assent, but has not yet come into force. That Act will replace paragraphs 4(1)(d.1) and (d.2) of the *Lobbyists Registration Act* which exempt governing bodies under the *Yukon First Nations Self-Government Act* and the *Nisga'a Final Agreement Act*, respectively, by a generic provision exempting members of Aboriginal governments or institutions exercising jurisdiction pursuant to a self-government agreement or self-government provisions of a land claim agreement given effect by federal legislation. Should the Labrador Inuit Bill come into force before *An Act to amend the Lobbyists Registration Act* but after the Tlicho Land Claims and Self-Government Act, the *Lobbyists Registration Act* would thereby be amended to add to existing paragraphs 4(1)(d.1) and (d.2) two new paragraphs, 4(1)(d.4) and (d.5) respecting the Tlicho Government and the Nunatsiavut Government. Upon coming into force of *An Act to amend the Lobbyists Registration Act*, these new paragraphs need to be repealed since the Tlicho Nunatsiavut Government and the Tlicho Government would be covered by the new generic provisions of the *Lobbyists Registration Act*.

COMING INTO FORCE

27. This Act, other than sections 22 to 26, comes into force on a day to be fixed by order of the Governor in Council.

COMING INTO FORCE

Clause 27

Coming into Force

What the provision does

- ▶ Provides that this proposed Act would come into force on a day specified by the Governor in Council.

Explanation

This provision would provide Canada the opportunity to determine a suitable date for the coming into force of the Agreement.



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Issue Papers



The Inuit of Labrador

THE INUIT OF LABRADOR

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THE LABRADOR INUIT

The Labrador Inuit are descendants of the prehistoric Thule, hunters who were drawn to Labrador by its abundance of whales and other wildlife. They traditionally occupied the bays and inlets of the northern Labrador coast, but travelled widely to harvest the resources of the land and sea. It was during these travels that they first made contact with Basque whalers in the middle of the 16th century. For the next 200 years, Inuit would travel south to follow animal migrations and to trade with the seasonal but growing European population.

In the 1760s, contact with Moravian missionaries marked the beginning of large-scale change in Inuit society. The Moravians began to convert the Inuit to Christianity and encouraged changes in their patterns of occupation and dwelling. Over time, Inuit life became more connected to the market economy of Labrador.

RELOCATION

In 1959, the Province relocated Inuit from Hebron and Nutak in northern Labrador to Nain, Hopedale, Makkovik and Northwest River. The move was prompted by the view that service delivery would be better rationalized and that it would be in the best interests of the Inuit. However, the move was done without consulting the Inuit and as a result, it led to various social and economic problems, some of which continue to persist.

On January 22, 2005, the Province officially apologized to the Inuit for the relocation and committed to erecting a monument to remember those affected. Although Canada was not responsible for the relocation, Canada will contribute \$10.0 million to a Hebron Community Commemorative Fund to be established by the Nunatsiavut Government. This fund may be used to develop and support the historic Hebron site for cultural and interpretive purposes.

INUIT COMMUNITIES

Today there are approximately 5300 Labrador Inuit. About half live in the five coastal communities of Nain (pop. 1159), Hopedale (pop. 559), Makkovik (pop. 384), Postville (pop. 215) and Rigolet (pop. 317). The other half live outside the communities, in the Upper Lake Melville Area (Happy Valley-Goose Bay, Northwest River), but retain close ties to the coastal communities.

Nain is the most northerly community in the Province. Established by Moravian

missionaries in the 1771, it is the administrative centre for Inuit organizations. Other key economic players include the Labrador Inuit Development Corporation, which operates three nearby stone quarries, and the Torngat Fish Producers Co-operative, which runs a processing plant for several species of fish. Artisan industries and tourism are also important. Nain also serves the Voisey's Bay development site.

Hopedale was settled by Moravian missionaries in 1782. The economy is dominated by the Labrador Inuit Development Corporation, which operates a stone plant in the community. Other economic activities include tourism and artisan industries.

Makkovik was settled by Moravian missionaries in 1775. It relies on the Torngat Fish Producers Co-operative, which runs a large processing plant, and the snow crab fishery as its main sources of employment.

Postville, settled in the 1940's, is the newest of the communities. The economic base is lumber, fishing and trapping.

Rigolet was established as a trading post built by Hudson's Bay Company in 1735. Today, the community is focussing on tourism and expanding its potential as a year-round shipping port.

All of the Inuit communities fall within the federal riding of Labrador.

LABRADOR INUIT ASSOCIATION

In 1973, the Inuit formed the Labrador Inuit Association, whose goals included promoting Inuit culture.

The Labrador Inuit Association submitted the Inuit comprehensive land claim in 1977, claiming aboriginal rights to a large area in Labrador, the offshore and parts of Quebec.

The LIA's main offices are located in Nain, with field offices in each of the Inuit Communities, Happy Valley-Goose Bay and St. John's.

The Labrador Inuit Association is responsible for advancing the aboriginal, constitutional, democratic, social and human rights of Labrador Inuit. To facilitate the achievement of its objectives, the Labrador Inuit Association has established four primary affiliates.

LABRADOR INUIT ASSOCIATION AFFILIATES

The Labrador Inuit Development Corporation was established by the Labrador Inuit Association to create and provide employment and economic activities for Inuit. It focuses on traditional skills and on training and skill transfer for emerging opportunities. The Labrador Inuit Development Corporation has successfully established several joint ventures and provides advice and support to over 30 Inuit businesses in Labrador.

The Labrador Inuit Health Commission is committed to improving the health of Labrador Inuit. It is responsible for the administration and delivery of programs in

the areas of mental health, community and safety, addictions counselling, public health, non-insured health benefits and family services.

The Torngasok Cultural Centre works to preserve, protect, promote and advance Labrador Inuit language and culture.

The Labrador Inuit Youth Division falls under the Torngasok Cultural Centre. Its object is to assist Labrador Inuit youth in becoming more involved in their communities, to help them acquire leadership skills, to assist them in their efforts to improve their quality of life and to ensure the future of youth in the communities.

History of Negotiations

HISTORY OF NEGOTIATIONS

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BACKGROUND

The federal policy for the settlement of Aboriginal land claims was established in 1973, following a number of legal challenges brought against Canada by Aboriginal groups. Comprehensive land claims are based on the assertion of continuing Aboriginal title to lands and natural resources. The policy stipulates that negotiations may take place with Aboriginal groups in areas where claims to Aboriginal title have not been dealt with by treaty or other legal means. The policy has been amended several times since its initial formulation in 1973.

ACCEPTANCE AND NEGOTIATION

The Labrador Inuit comprehensive land claim was submitted by the Labrador Inuit Association (LIA) in 1977. It was accepted for negotiation by Canada in 1978. The Province agreed to participate in negotiations in 1980.

The Labrador Inuit claim was selected for active negotiation by Canada in 1984. Negotiations toward its settlement began in 1989. In the intervening five-year period Canada undertook a review of the comprehensive land claims policy, and Canada and the Government of

Newfoundland and Labrador attempted to reach agreement on their respective roles and responsibilities in relation to the settlement of land claims in Labrador.

In 1990, a framework agreement was signed, which set out the scope, process and timeframe for negotiation of an agreement-in-principle.

In 1994, a significant deposit of nickel was discovered in north central Labrador at Voisey's Bay, an area about 35 kilometres southwest of Nain claimed by the Labrador Inuit as part of their traditional territory. The prospect of a major development at Voisey's Bay prompted political leaders to fast-track negotiations in 1996.

The Labrador Inuit Land Claims Agreement-in-Principle was signed in 2001. The Parties also negotiated an Interim Measures Agreement the same year to protect the rights and benefits set out in the Agreement-in-Principle until a final agreement took effect.

Chief negotiators initialled the Labrador Inuit Land Claims Agreement in 2003 and submitted it to their principals for ratification in accordance with its provisions. The Labrador Inuit Land Claims Agreement was ratified by 76.4 percent of the eligible voters on May 26, 2004, with a voter turnout of 86 percent. The Labrador Inuit Land Claims Agreement was signed by the LIA, the Province and Canada on January 22, 2005.

*Negotiations with the Government
of Newfoundland and Labrador*

NEGOTIATIONS WITH THE GOVERNMENT OF NEWFOUNDLAND AND LABRADOR

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negotiations without preconditions and negotiations resumed in 1994. However, options for cost-sharing with the Province would have to be recommended when returning for federal approval of an agreement-in-principle.

BACKGROUND

The Government of Newfoundland agreed to participate in negotiations in 1980, subject to the conclusion of a bilateral agreement with Canada addressing their respective roles and responsibilities in the negotiation and settlement of comprehensive land claims.

Framework agreement negotiations commenced in 1989 however, despite the lack of a cost-sharing agreement.

In the summer of 1997, following an assessment of the value of the land and resources being offered by the Province, Canada concluded that by providing lands, resources and resource revenues the Province was providing an equitable share of the costs of the overall settlement package, comparable to the federal contribution. A cost-sharing arrangement had effectively been achieved.

COST-SHARING

In 1990, a framework agreement was signed, which set out the scope, process and timeframe for negotiation of an agreement-in-principle. Canada approved an agreement-in-principle mandate with a requirement that agreement be reached with the Province on the sharing of settlement costs within 18 months.

In 1992, Canada discontinued active participation in the negotiations because it was unable to reach the required cost-sharing agreement with the Province. In December 2003, Canada indicated it would be prepared to return to tripartite

Consultations

CONSULTATIONS

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OVERVIEW

During both the agreement-in-principle and final agreement negotiations, the Parties engaged in numerous consultations with Aboriginal groups, third parties and the public in general. These consultations indicated a general level of support for the Labrador Inuit Land Claims Agreement.

CONSULTATIONS

Throughout the negotiations, many of the consultation processes were conducted on a tripartite basis. The Parties attended open houses and public meetings to discuss with and inform the Labrador Inuit Association membership and the general public about the negotiations. The open houses were well-attended and allowed individuals to ask questions and offer comments.

Land selection negotiations were held in communities on the north coast of Labrador during 2000. These sessions were open to all members of the communities and were occasionally opened up to allow audience input. During this period, the Province undertook further consultations in Happy Valley-Goose Bay and the Upper Lake Melville area on matters concerning provincial jurisdiction.

The annual “Voisey’s Bay and Beyond” trade show in Happy Valley-Goose Bay provided an opportunity to assure numerous third parties that their interests were being taken into account during the negotiations.

Consultations were also conducted with the Labrador Metis Nation, at their request.

LIST OF GROUPS CONSULTED

Consultations by Federal Negotiation Team

- Canada Newfoundland Offshore Petroleum Board
- Atlantic Canada Opportunities Agency
- Salmonid Council of Newfoundland and Labrador
- Newfoundland and Labrador Chamber of Mineral Resources
- Newfoundland and Labrador Federation of Labour
- Fisheries Association of Newfoundland and Labrador
- Labrador Outfitters Association
- Labrador North Chamber of Commerce
- Salmonid Association of Eastern Newfoundland
- Voisey’s Bay Nickel Company
- Fish Food and Allied Workers
- Jacques Whitford Environment Limited
- Town Councils of Happy Valley-Goose Bay, Nain, Hopedale
- Mayors of Happy Valley-Goose Bay, Nain, Makkovik, Hopedale, Postville, Rigolet, Northwest River

- Torngamiut Inuit Annait
- Memorial University of
Newfoundland

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Ratification of the Agreement
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ELIGIBILITY

The Labrador Inuit Land Claims Agreement provides for a process for ratification of its provisions. To participate in the Inuit ratification vote, an individual had to meet the following criteria:

- be 16 years old on or before the date of the Inuit ratification vote;
- be a Canadian citizen or permanent resident of Canada;
- be an Inuk pursuant to Inuit customs and traditions and of Inuit ancestry, or an individual designated according to Inuit customs and traditions;
- either be a permanent resident of the Labrador Inuit Settlement Area or connected to it;
- not be enrolled under another Canadian Aboriginal land claims agreement

Individuals who were at least one-quarter Inuit, and a Canadian Citizen or permanent

resident of Canada; and those who were adopted as minors, or the descendants of those adopted as minors were also eligible to participate in the ratification vote.

RATIFICATION

The Labrador Inuit Land Claims Agreement stipulates that Inuit shall have ratified it when 50 percent plus one of the individuals enumerated on the Official Voters List have approved the Agreement by way of the Inuit ratification vote.

RATIFICATION PROCEDURES

Chapter 22 of the Labrador Inuit Land Claims Agreement describes the procedures for the Inuit ratification vote. It outlines the process to ensure that all eligible Inuit have the opportunity to consider the Labrador Inuit Land Claims Agreement and then to cast a vote to either approve or not approve it.

A nine-person Ratification Committee was responsible for preparing the Official Voters List and conducting the Inuit ratification vote. The Ratification Committee was comprised of four members appointed by the Labrador Inuit Association, two members appointed by Canada and two members appointed by the Province and a chair jointly appointed by all three parties.

The primary responsibilities of the Ratification Committee were:

1. preparation of the Official Voters List
2. establishment of procedures and rules for the Inuit ratification vote
3. conducting the Inuit ratification vote
4. publishing the results of the Inuit ratification vote

Prior to the Inuit ratification vote, the Parties visited the voting centres to explain the Labrador Inuit Land Claims Agreement and answer questions. Copies of the agreement, agreement summary and chapter highlights were provided to members in the voting centres. In addition, the Labrador Inuit Association undertook its own campaign to inform its members of the details of the Labrador Inuit Land Claims Agreement and the upcoming ratification process. The Ratification Committee contracted for the preparation and implementation of a detailed communications plan.

The Ratification Committee reported that the provisions set out in the Labrador Inuit Land Claims Agreement guiding the ratification process were followed.

RESULTS OF INUIT RATIFICATION VOTE

On May 26, 2004, the Labrador Inuit ratified the Labrador Inuit Land Claims Agreement. Of the 4,300 eligible voters, 3,287 voted yes. This constituted a voter turnout of 86.49 percent with 76.44 percent approval.

SUBSEQUENT RATIFICATION STEPS

On December 6, 2004, the Province introduced, passed and gave royal assent to the provincial ratification legislation. The provincial legislation will be proclaimed in force at a future date.

The Labrador Inuit Land Claims Agreement was signed by the Labrador Inuit Association, the Province and Canada on January 22, 2005.

The introduction and passage of federal implementing legislation is the next and final step. The Labrador Inuit Land Claims Agreement will take effect on a day to be determined by all parties and set by the Governor in Council.

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Overlapping Claims
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OVERLAPPING CLAIMS

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INTRODUCTION

There are three Aboriginal organizations who claim an interest in areas that are dealt with in the Labrador Inuit Land Claims Agreement. These are the Innu Nation, Makivik Corporation and the Labrador Metis Nation.

The federal government has accepted the claims of the Innu Nation, and Nunavik Inuit, as represented by Makivik Corporation, in areas of Labrador that overlap with Labrador Inuit. The Labrador Metis Nation has submitted a claim, but it has not been accepted by Canada.

INNU NATION

The Innu Nation represents the Innu of Labrador, who reside in two communities in southern Labrador.

The Innu Nation, Canada and the Government of Newfoundland and Labrador continue to make progress in agreement-in-principle negotiations, with a target completion date of the end of 2005. Resumption of self-government negotiations is contingent on substantial

progress being made on the land claims front.

Labrador Inuit and Innu Nation negotiators have reached substantive agreement on all components of an overlap agreement, however, the overlap agreement has not yet been ratified by their respective organizations. The two groups are also considering how best to support the implementation of the overlap agreement.

NUNAVIK INUIT

The Nunavik Inuit are represented by Makivik Corporation. Makivik and Labrador Inuit Association have reached a tentative agreement on overlap issues in northern Quebec and Labrador. The overlap agreement between Labrador Inuit and Nunavik Inuit provides for a sharing of rights in each group's respective area. Provisions addressing each groups's substantive rights in the overlap area will be included in their respective treaties.

LABRADOR METIS NATION

The Labrador Metis Nation represents approximately 5000 individuals of mixed Aboriginal ancestry in southern and central Labrador. It asserts Aboriginal rights, as a distinct Inuit group, in that region. A comprehensive claim has been submitted but has not been accepted by Canada.

The Labrador Metis Nation claims that the Labrador Inuit Land Claims Agreement prejudices both the rights of its members

as Inuit and the assessment of its claim. Eight members of the Labrador Metis Nation have commenced litigation against Canada, the Province and Labrador Inuit Association on this basis.

of other Aboriginal peoples, including any separate collectivity of Inuit who fall within the meaning of section 35 of the *Constitution Act, 1982*.

Canada has agreed to conduct an outside review of the Labrador Metis Nation's claim submission. Discussions continue as to how this review should be conducted.

The 2003 Supreme Court of Canada decision in *Powley* recognized the existence of Metis Aboriginal rights for a particular Metis community near Sault Ste. Marie, Ontario. Canada has not assessed whether the Labrador Metis Nation meets the *Powley* test. The Province recently announced that its internal review has determined that the Labrador Metis Nation does not meet this test. The Province and the Labrador Metis Nation have since announced that they are prepared to find practical ways to deal with the Aboriginal rights of the Labrador Metis outside the courts.

LABRADOR INUIT LAND CLAIMS AGREEMENT PROVISIONS

The Labrador Inuit Land Claims Agreement contains a non-derogation provision that specifies that "nothing in the Agreement shall be construed to affect, recognize or provide any rights under section 35 of the *Constitution Act, 1982* for any aboriginal peoples of Canada other than Inuit" (as defined in the Labrador Inuit Land Claims Agreement). The Labrador Inuit Land Claims Agreement is without prejudice to the rights and claims

Gender Equality

GENDER EQUALITY

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Gender Equality	1

Any such Inuit law must accord rights to and provide for the protection of spouses, co-habiting partners and other dependents that are comparable to the rights and protections enjoyed by similarly situated individuals under laws of general application.

GENDER EQUALITY

Charter

The Labrador Inuit Land Claims Agreement provides Inuit women and men continued protection of the *Charter of Rights and Freedoms*.

Governance

The Labrador Inuit Land Claims Agreement offers women and men an equal voice in governance and provides each the opportunity to influence their communities' priorities.

Eligibility

The eligibility criteria to become a beneficiary is the same for each gender and beneficiaries have equal access to the rights and benefits accorded by the Labrador Inuit Land Claims Agreement.

Matrimonial Property

The Nunatsiavut Government will be able to make laws respecting the rights and obligations of Inuit in Labrador Inuit Lands and the Inuit Communities in relation to the exercise of rights in relation to marital property.

Intergovernmental Relationships

INTERGOVERNMENTAL RELATIONSHIPS

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OVERVIEW

Following the effective date of the Labrador Inuit Land Claims Agreement, the Nunatsiavut Government will be responsible for intergovernmental affairs and relations between all levels of Inuit governments, and Canada or the Province, or both. The Nunatsiavut Government will provide Canada and the Province with copies of Inuit laws and any amendments thereto.

Many provisions of the Labrador Inuit Land Claims Agreement require a Party to consult other Parties prior to taking action that could affect them or their citizens. The Parties are also required to exchange information to assist in implementation of the Labrador Inuit Land Claims Agreement.

The Labrador Inuit Land Claims Agreement provides for the establishment of a number of boards with membership drawn from among all Parties, dealing with matters such as resource management.

INTERGOVERNMENTAL CO-OPERATION

The Nunatsiavut Government may enter intergovernmental co-operative arrangements with Canada and the Province for implementation of various aspects of Inuit self-government.

FEDERAL PROGRAMS

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

FISCAL FINANCING AGREEMENTS

Every five years or as otherwise agreed to, the Parties will negotiate a fiscal financing agreement by which funding will be provided to the Nunatsiavut Government to cover the cost of agreed-upon programs and services to individuals in Inuit Communities at levels reasonably comparable to those generally prevailing in communities of similar size and circumstances in Labrador.

Every ten years or as otherwise agreed to, the Parties will negotiate the manner in which the Nunatsiavut Government's own source revenues will be taken into account under the fiscal financing agreements.

IMPLEMENTATION

The Parties have established an Implementation Plan for implementation of the Labrador Inuit Land Claims

Agreement. The Implementation Plan is not a treaty. It is for an initial term of ten years, commencing on the effective date of the Labrador Inuit Land Claims Agreement, and identifies a process for its periodic review and renewal beyond the initial term.

An implementation committee will be established, consisting of one member appointed by each Party, to oversee and monitor implementation.



Main Elements of the Agreement

MAIN ELEMENTS OF THE AGREEMENT

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INTRODUCTION

The Labrador Inuit Land Claims Agreement is the first modern treaty in Atlantic Canada. It will be a treaty within the meaning of sections 25 and 35 of the *Constitution Act, 1982* and provide for certainty with respect to the use and ownership of lands and resources in northern Labrador. It sets out details of land use and ownership, environmental stewardship, resource sharing and self-government.

LABRADOR INUIT SETTLEMENT AREA

The Labrador Inuit Land Claims Agreement provides for a Labrador Inuit Settlement Area of 72,520 square kilometres (28,000 square miles). Of this, 15,799 square kilometres (6100 square miles) will be Labrador Inuit Lands, owned by the Inuit in fee simple and governed by the Nunatsiavut Government. Inuit will not own the land in the rest of the Labrador Inuit Settlement Area, but will have special rights on the area. The Labrador Inuit Settlement Area will include 9700 square kilometres (3700

square miles) set aside for the Torngat Mountains National Park Reserve of Canada. The Labrador Inuit Settlement Area will also include an additional ocean area of 48,690 square kilometres (18,800 square miles).

HARVESTING

Inuit will be entitled to harvest fish and wildlife for subsistence purposes throughout the Labrador Inuit Settlement Area and will have exclusive rights to these resources in Labrador Inuit Lands. The federal and provincial governments will retain ultimate responsibility for wildlife and fisheries.

Co-management boards, appointed by the federal, provincial and Nunatsiavut governments, will advise governments on conservation and resource management in the Labrador Inuit Settlement Area.

Existing commercial fishing interests and outfitters will not be affected by the Agreement and will continue to operate under general laws. Labrador Inuit will be guaranteed a percentage of new commercial licences in the Labrador Inuit Settlement Area and the adjacent ocean area.

INUIT GOVERNMENT

The Labrador Inuit Land Claims Agreement will provide for the creation of a regional Nunatsiavut Government, five Inuit Community Governments and any Inuit Community Corporations that may be

established to provide for the representation of Labrador Inuit residing outside the Labrador Inuit Settlement Area. All levels of Inuit government will be democratically responsible and financially accountable to the electorate. The *Canadian Charter of Rights and Freedoms* will apply to all levels of Inuit Government.

FINANCIAL BENEFITS

The Nunatsiavut Government will be entitled to 25% of all provincial revenue from subsurface resources in Labrador Inuit Lands, plus 50% of the first \$2 million and 5% of any additional provincial revenue in a fiscal year from subsurface resources in the rest of the Labrador Inuit Settlement Area. In addition, the Nunatsiavut Government will receive 5% of provincial revenue from the Voisey's Bay project.

The Labrador Inuit Land Claims Agreement also provides for payments by Canada to the Nunatsiavut Government of a capital transfer of \$140 million in 1997 dollars (\$189 million in 2003 dollars) and a further \$156 million in 1997 dollars (\$191.3 million in 2003 dollars) for implementation of the Labrador Inuit Land Claims Agreement.

A renewable five-year fiscal financing agreement replaces several existing fiscal agreements. It sets out Canada's contributions for agreed upon programs and services as well as the Nunatsiavut Government's accountabilities and responsibilities. Indian and Northern

Affairs Canada will provide \$73.9 million over five years for the self-government components of the Labrador Inuit Land Claims Agreement (post-secondary education, community infrastructure, water, sewer, economic development); Health Canada and Fisheries and Oceans Canada will transfer \$61.8 million over five years to support program delivery by the Nunatsiavut Government.

An own source revenue capacity agreement will provide that the Labrador Inuit contribute over time to the costs of agreed-upon programs and services through their own source revenues. The inclusion of Inuit own source revenues will be phased in gradually over a period of 20 years for Canada and over a 12-year period for the Province.

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Within the Canadian Legal Context
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WITHIN THE CANADIAN LEGAL CONTEXT

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LEGAL DEVELOPMENTS

Calder

In 1973, the Supreme Court of Canada released its landmark decision in *Calder*. At issue was the right of the Nisga'a to lands in the region of British Columbia's Nass Valley. The six judges who ruled on the substance of the case acknowledged that Aboriginal title could be rooted in historical occupation and possession (the seventh judge decided the case on a procedural point).

This pronouncement provided the basis for a potentially large number of new claims and hastened the reassessment of federal policy in this field. Later that year, Canada indicated its willingness to negotiate Aboriginal land claims and the modern era of treaty-making was born.

Constitution Act, 1982

In 1982, the *Constitution Act, 1982* came into effect. Its provisions included s. 35(1), which provides that the "existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed".

Sparrow

In 1990, the Supreme Court decided *Sparrow*, which involved an Aboriginal individual charged with illegal fishing. Exploring for the first time the scope of s. 35(1), the Supreme Court confirmed that it was prepared to take the same liberal approach as it had previously taken with respect to other constitutional provisions addressing minority rights. In the course of setting out the applicable principles, the Supreme Court noted that s. 35(1) "provides a solid constitutional base upon which subsequent negotiations can take place".

Delgamuukw

In 1997, the Supreme Court in *Delgamuukw* pronounced for the first time on the content of Aboriginal title, setting out a series of tests designed to offer guidance on when such a claim would be made out. The Supreme Court remarked that, ultimately, it is through negotiated settlements, reinforced by its judgements, that the pre-existence of aboriginal societies would be reconciled with the sovereignty of the Crown.

Taku and Haida

In November 2004, the Supreme Court in the *Taku* and *Haida* cases held that the Crown has a legal duty to consult and to accommodate, if indicated, when the Crown has knowledge of the potential existence of an Aboriginal right or title and

contemplates conduct that might adversely affect it. The duty to consult is grounded in the honour of the Crown and the scope and content of the duty varies according to the specific circumstances.

CONCLUSIONS

The Supreme Court of Canada, beginning with the 1973 *Calder* decision and particularly in the years following the adoption of the *Constitution Act, 1982*, has encouraged negotiations rather than litigation as a means of resolving Aboriginal land claims. The Court has also ruled that the Crown must consult with Aboriginal groups and accommodate their concerns when the Crown is aware of the potential existence of an Aboriginal right or title, that could be affected by the Crown's actions. The Labrador Inuit Land Claims Agreement is a product of this approach.



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Certainty
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CERTAINTY

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CERTAINTY MODEL

The Labrador Inuit Land Claims Agreement will provide for certainty with respect to the use and ownership of lands and resources in northern Labrador, through the following model:

- the Labrador Inuit Land Claims Agreement constitutes the full and final settlement of the aboriginal rights of Labrador Inuit in Canada and exhaustively sets out the rights in Canada of Labrador Inuit that are recognized and affirmed by s. 35 of the *Constitution Act, 1982*
- Labrador Inuit will cede and release to Canada and the Province all their aboriginal rights in Canada, except those in Labrador Inuit Lands (but will cede and release their aboriginal rights to subsurface resources in Labrador Inuit Lands)
- the aboriginal rights not ceded and released will continue as modified as set out in the Labrador Inuit Land Claims Agreement
- should a court of last resort determine that Labrador Inuit have an aboriginal right that is different

from the rights set out in the Labrador Inuit Land Claims Agreement, such a right would be ceded and released; and

- Labrador Inuit will provide a release for past infringements of aboriginal rights.

EXCEPTION

The Labrador Inuit claim aboriginal rights in a defined region in northeastern Quebec. The claimed area is covered by the *James Bay and Northern Quebec Agreement* signed in 1975 by government, industry and aboriginal signatories. The Inuit claim that, since they were not allowed to participate in the negotiations leading to that agreement, their aboriginal rights in the area continue. Canada takes the position that the *James Bay and Northern Quebec Agreement* extinguished all aboriginal rights in the claimed area.

The claimed area is not addressed in the Labrador Inuit Land Claims Agreement and will therefore be reserved from the application of the cession and release provided for in the certainty model. This exception will be without prejudice to, and will not affect, the respective legal views of Canada or the Labrador Inuit regarding aboriginal rights in this region.

Eligibility and Enrolment

ELIGIBILITY AND ENROLMENT

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ELIGIBILITY

Eligibility Criteria

An individual will be enrolled as a beneficiary under the Labrador Inuit Land Claims Agreement if, on the effective date of the Labrador Inuit Land Claims Agreement, he or she is:

- a Canadian citizen or permanent resident of Canada
- an Inuk pursuant to Inuit customs and traditions and is of Inuit ancestry, or an individual designated according to Inuit customs and traditions; and
- either a permanent resident of the Labrador Inuit Settlement Area or connected to it.

An individual who is at least one-quarter Inuit, and a Canadian citizen or permanent resident of Canada, is eligible to be enrolled.

Descendants of, and individuals adopted as minors by, those eligible to be enrolled may also be enrolled.

Beneficiaries of Other Agreements

No individual can be enrolled as a beneficiary under the Labrador Inuit Land Claims Agreement while enrolled under another Canadian aboriginal land claims agreement. If eligible under the Labrador Inuit Land Claims Agreement, the individual may choose to be enrolled if he or she gives up the rights, benefits or privileges under the other agreement while enrolled.

ENROLMENT

Enrolment Committees will be established for each of four regions (Nain, Hopedale, Makkovik and Postville, Rigolet and Lake Melville) to consider applications for enrolment. The Enrolment Appeal Commission will be established to hear appeals.

The Nunatsiavut Government will prepare and maintain a register containing the name of each individual who is determined to be a beneficiary of the Labrador Inuit Land Claims Agreement.

After the register is published, membership committees and the Labrador Inuit membership appeal board will be established to assist in the ongoing maintenance of the register.

Land Ownership

LAND OWNERSHIP

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CATEGORIES OF LAND

The Labrador Inuit will be provided a Labrador Inuit Settlement Area of 72,520 square kilometres (28,000 square miles) under the Labrador Inuit Land Claims Agreement. The Labrador Inuit Settlement Area will also include adjacent ocean areas of approximately 48,690 square kilometres (18,800 square miles).

Within the Labrador Inuit Settlement Area, Inuit will own 15,799 square kilometres (6,100 square miles) of land known as Labrador Inuit Lands, where Inuit rights and benefits will be greatest. Labrador Inuit Lands includes 3950 square kilometres (1525 square miles) of Specified Material Lands, where the Inuit will have exclusive rights to specified quarry materials.

LABRADOR INUIT LANDS

Title and Attributes

Labrador Inuit will own Labrador Inuit Lands in fee simple, with ownership of an undivided 25% interest with the Province in all subsurface resources. Inuit title to Labrador Inuit Lands will not include ownership of water.

Labrador Inuit Lands may only be alienated to Canada or the Province, though the Nunatsiavut Government may grant interests of less than fee simple to others.

Surveys

Labrador Inuit Lands will be surveyed where required by the Labrador Inuit Land Claims Agreement or at the discretion of one or more of the Parties.

Existing Interests

Existing interests in Labrador Inuit Lands at the effective date of the Labrador Inuit Land Claims Agreement will continue. The Province will assign its rights under existing surface interests to the Nunatsiavut Government, which may establish reasonable terms and conditions on renewals and extensions.

Expropriation

Labrador Inuit Lands may be expropriated by Canada or the Province up to an amount not exceeding 12% of Labrador Inuit Lands at the effective date of the Labrador Inuit Land Claims Agreement. Expropriation of Labrador Inuit Lands will occur only if no other lands are reasonably available for the intended purpose, following reasonable efforts to acquire the land through a negotiated land transfer agreement with the Nunatsiavut Government. The Nunatsiavut Government must be consulted prior to

expropriation.

The consent of the Governor in Council or of the Lieutenant-Governor in Council, as appropriate, will be required prior to any expropriation of Labrador Inuit Lands.

The Nunatsiavut Government will be compensated, through land or money or both, for expropriation of Labrador Inuit Lands.

Subsurface Resources

SUBSURFACE RESOURCES

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REVENUE

The Nunatsiavut Government will be entitled to 25% of all provincial revenue from subsurface resources in Labrador Inuit Lands, plus 50% of the first \$2 million and 5% of any additional provincial revenue in a fiscal year from subsurface resources in the rest of the Labrador Inuit Settlement Area. In addition, the Nunatsiavut Government will receive 5% of provincial revenue from the Voisey's Bay project.

ADMINISTRATION

The Province and the Nunatsiavut Government may enter into agreements for the administration of subsurface resources in Labrador Inuit Lands. The administration of subsurface resources in the rest of the Labrador Inuit Settlement Area will be by the Province and, in accordance with its jurisdiction, by Canada.

EXPLORATION

The Province and the Nunatsiavut

Government will negotiate standards for exploration of subsurface resources in Labrador Inuit Lands after the effective date of the Labrador Inuit Land Claims Agreement.

Exploration for subsurface resources in Labrador Inuit Lands after the effective date of the Labrador Inuit Land Claims Agreement must conform with a work plan approved by the Province and the Nunatsiavut Government.

Exploration that began before the effective date of the Agreement is not affected by it.

DEVELOPMENT

Developers of subsurface resources in Labrador Inuit Lands will be required to enter into agreements compensating the Nunatsiavut Government before developments may proceed.

ACCESS

Subsurface interests in or surrounded by Labrador Inuit Lands existing prior to the effective date of the Labrador Inuit Land Claims Agreement include the right to access Labrador Inuit Lands without the consent of the Nunatsiavut Government. However, if the interest holder wishes to access Labrador Inuit Lands in a manner different from that done on the effective date, the interest holder must obtain the consent of the Nunatsiavut Government.

The Nunatsiavut Government may

establish limited conditions of access for exploration in Labrador Inuit Lands, with respect to subsurface interests issued after the effective date of the Labrador Inuit Land Claims Agreement.

Holders of subsurface interests issued by the Province for commercial purposes outside Labrador Inuit Lands after the effective date of the Labrador Inuit Land Claims Agreement shall be permitted access across Labrador Inuit Lands, on terms the Nunatsiavut Government may establish, when other means of access to the interest is impractical.

DISPUTE RESOLUTION

If the Province and the Nunatsiavut Government are unable to negotiate standards for exploration of subsurface resources in Labrador Inuit Lands, either may refer the matter to the dispute resolution process established under the Labrador Inuit Land Claims Agreement. Disputes concerning access to Labrador Inuit Lands by holders of subsurface interests existing on the effective date of the Labrador Inuit Land Claims Agreement, or issued by the Province for commercial purposes outside Labrador Inuit Lands after the effective date, may also be referred to dispute resolution.

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Access
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ACCESS

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GENERAL

The Labrador Inuit Land Claims Agreement outlines provisions respecting access by non-beneficiaries to Labrador Inuit Lands, including any limitations. Occasional and private access for non-beneficiaries and access for government purposes will be permitted without Nunatsiavut Government consent. The public right of navigation is preserved.

NON-BENEFICIARIES

A non-beneficiary exercising access to Labrador Inuit Lands shall first provide notice to the Nunatsiavut Government unless it is unreasonable to do so or is otherwise exempted by the provisions of the Labrador Inuit Land Claims Agreement.

Non-beneficiaries shall not establish any camps or structures other than for merely casual or temporary purposes, cause undue harm or interfere materially with Inuit use and occupation of Labrador Inuit Lands.

Consent is not required for access to Labrador Inuit Lands for emergencies,

crossing to reach other lands for non-commercial purposes or navigation.

COMMERCIAL INTERESTS

Surface and subsurface interests in or surrounded by Labrador Inuit Lands existing prior to the effective date of the Labrador Inuit Land Claims Agreement include the right to access Labrador Inuit Lands without the consent of the Nunatsiavut Government. However, if the interest holder wishes to access Labrador Inuit Lands in a manner different from that done on the effective date, the interest holder must obtain the consent of the Nunatsiavut Government.

The Nunatsiavut Government may establish limited conditions of access for exploration in Labrador Inuit Lands, with respect to subsurface interests issued after the effective date of the Labrador Inuit Land Claims Agreement.

Holders of surface or subsurface interests issued by the Province for commercial purposes outside Labrador Inuit Lands after the effective date of the Labrador Inuit Land Claims Agreement shall be permitted access across Labrador Inuit Lands, on terms the Nunatsiavut Government may establish, when other means of access to the interest is impractical.

GOVERNMENT ACCESS

Government representatives may access

Labrador Inuit Lands to deliver public programs and projects, manage public works and services, carry out inspections, for enforcement purposes and to respond to emergencies.

DISPUTE RESOLUTION

Disputes concerning access to Labrador Inuit Lands by holders of surface or subsurface interests existing on the effective date of the Labrador Inuit Land Claims Agreement, or issued by the Province for commercial purposes outside Labrador Inuit Lands after the effective date, may be referred to the dispute resolution process established under the Labrador Inuit Land Claims Agreement.

Ocean Management

OCEAN MANAGEMENT

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OCEAN MANAGEMENT

The Nunatsiavut Government will be consulted prior to the finalization of a strategy for the management of marine areas in the Labrador Inuit Settlement Area and in the development and implementation of plans for the management of such areas.

MARINE PROTECTED AREAS

The Nunatsiavut Government will be consulted in the development and implementation of marine protected areas in the Labrador Inuit Settlement Area. A marine protected area agreement will be negotiated between Canada and the Nunatsiavut Government to provide for Inuit involvement with respect to each such area.

DEVELOPMENT AND EXPLORATION

The Nunatsiavut Government will be consulted prior to permitting mineral developments or petroleum exploration in the tidal waters of the Labrador Inuit

Settlement Area.

IMPACTS AND BENEFITS AGREEMENTS

An impacts and benefits agreement must be concluded between the developer and the Nunatsiavut Government prior to any major developments in the tidal waters of the Labrador Inuit Settlement Area, unless otherwise agreed by the Parties or in situations of military or national emergency where the Minister may commence a development prior to the impacts and benefits agreement. Impacts and benefits agreements will be contracts between the developer and the Nunatsiavut Government.

DISPUTE RESOLUTION

Issues relating to the content, terms or conditions of impacts and benefits agreements may be referred to the arbitration process established under the Labrador Inuit Land Claims Agreement.

EXCEPTION

The obligations relating to ocean management do not apply to areas within a national park, national park reserve, national marine conservation area, national marine conservation area reserve or protected area.

Economic Development

ECONOMIC DEVELOPMENT

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REVENUE SHARING

The Nunatsiavut Government will be entitled to:

- 25% of all Provincial revenue from subsurface resources in Labrador Inuit Lands
- 50% of the first \$2 million of Provincial revenue in a fiscal year from subsurface resources in the Labrador Inuit Settlement Area outside Labrador Inuit Lands; and
- 5% of any additional Provincial revenue in a fiscal year from subsurface resources in the Labrador Inuit Settlement Area outside Labrador Inuit Lands (excluding revenue from the Voisey's Bay project).

Revenues that the Nunatsiavut Government will receive from the Province as a result of subsurface resource developments in the Labrador Inuit Settlement Area outside Labrador Inuit Lands shall not exceed an amount that, if distributed equally among Labrador Inuit, would result in an annual

average per capita income for Labrador Inuit equal to or greater than the Canadian average per capita income.

The Nunatsiavut Government will also receive 5% of provincial revenue from the Voisey's Bay project.

A subsurface resource revenue sharing committee will be established to review issues related to provincial royalty tax laws affecting these revenue sharing arrangements and to act as the initial forum for resolution of disputes respecting revenue sharing arrangements between the Nunatsiavut Government and the Province.

IMPACTS AND BENEFITS AGREEMENTS

An impacts and benefits agreement must be concluded between the developer and the Nunatsiavut Government prior to any developments in Labrador Inuit Lands, unless otherwise agreed by the Parties or in situations of military or national emergency where the appropriate federal Minister may commence a development prior to the impacts and benefits agreement. An impacts and benefits agreement is also required prior to any major developments in the Labrador Inuit Settlement Area outside Labrador Inuit Lands, with the same other exceptions. Impacts and benefits agreements will be contracts between the developer and the Nunatsiavut Government.

ECONOMIC DEVELOPMENT

POLICIES

The Nunatsiavut Government will be able to make laws in Labrador Inuit Lands outside the Inuit Communities in relation to local economic development activities and promotion of economic development. Eligibility to benefit from federal and provincial economic development policies will not be affected. Laws of general application will prevail over Inuit laws in cases of conflict.

The Province will consult the Nunatsiavut Government in developing economic development policies applicable to the Labrador Inuit Settlement Area. The Province will attempt to promote Inuit economic development through these policies.

CONTRACTING AND EMPLOYMENT

The Inuit will receive fair consideration for federal contracts for the procurement of goods and services in the Labrador Inuit Settlement Area. Inuit will receive priority consideration for Provincial contracts for work or the supply of goods or services in Labrador Inuit Lands and the Inuit Communities and will receive fair consideration for such contracts in the rest of the Labrador Inuit Settlement Area.

Reflecting its commitment to achieving a representative federal public service, Canada will offer federal public service employment opportunities so as to reach a representative federal public service in the Labrador Inuit Settlement Area, reflecting the ratio of Labrador Inuit to the total

number of individuals ordinarily resident in the Labrador Inuit Settlement Area.

Labrador Inuit will be offered provincial public service employment in Labrador Inuit Lands and the Inuit Communities on a representative basis and will receive fair consideration for such employment in the rest of the Labrador Inuit Settlement Area.

DISPUTE RESOLUTION

Disputes respecting revenue sharing arrangements and issues relating to the content, terms or conditions of impacts and benefits agreements may be referred to the dispute resolution process established under the Labrador Inuit Land Claims Agreement.

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Voisey's Bay Project
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VOISEY'S BAY PROJECT

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BACKGROUND

The Voisey's Bay project is a major nickel development taking place in an area about 35 km southwest of Nain claimed by Labrador Inuit as part of their traditional territory. The nickel deposit was discovered in 1994 and the development rights are now held by Voisey's Bay Nickel/Inco. The area encompassing the Voisey's Bay site is identified in the Labrador Inuit Land Claims Agreement as the "Voisey's Bay Area". A number of agreements have been concluded to facilitate the development. These include:

- an agreement between the Province and Voisey's Bay Nickel providing for the construction of a smelter and refinery in the province
- an Environmental Management Agreement among Canada, the Province, Labrador Inuit Association and the Innu Nation establishing a process for the ongoing environmental management of the project and guaranteeing aboriginal involvement in that process; and
- an Impacts and Benefits Agreement between Labrador Inuit Association

and Voisey's Bay Nickel providing a financial payment to Inuit and outlining each party's responsibilities in relation to ensuring that Inuit maximize their potential for employment and economic benefits during the life of the mine

- an Interim Measures Agreement between Canada, the Labrador Inuit Association and the Province setting out Inuit rights in relation to the project until such time as the Labrador Inuit Land Claims Agreement comes into effect.

With these agreements in place, the Inuit gave their consent to the development and have agreed not to exercise any aboriginal rights or interests that they may have in the Voisey's Bay Area and not to assert any cause of action based on those rights.

INUIT RIGHTS UNDER THE LABRADOR INUIT LAND CLAIMS AGREEMENT

Inuit will be entitled to exercise subsistence harvesting rights in the Voisey's Bay Area, but may not materially interfere with the construction or operation of the Voisey's Bay project.

The Nunatsiavut Government will receive 5% of provincial royalties received from the Voisey's Bay project.

Canada and the Province are required to

consult the Nunatsiavut Government prior to deciding applications for permits or issuing orders pertaining to the Voisey's Bay project or the Voisey's Bay Area. Canada is required to consult the Nunatsiavut Government on matters respecting shipping directly associated with the project. Canada and the Province are required to consult the Nunatsiavut Government about measures to conserve, protect and rehabilitate the environment in relation to the project

Once the Voisey's Bay project and rehabilitation of the Voisey's Bay Area are complete, the Nunatsiavut Government is entitled to have lands in the area transferred as Labrador Inuit Lands or designated as land in the Labrador Inuit Settlement Area. Any land in the area not alienated, transferred or designated within five years of closure will be considered Provincial crown land.

CURRENT SITUATION

The construction phase of the Voisey's Bay project is well underway. Twenty four percent of those working at the site are of Aboriginal descent, and many of these are employed as per the terms of the Voisey's Bay Impacts and Benefits Agreement. Additionally, through a variety of joint ventures with larger organizations, Labrador Inuit are providing many of the services and much of the logistical support necessary to the project development.



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National Parks and Protected Areas
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NATIONAL PARKS AND PROTECTED AREAS

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Protected Areas	1

NATIONAL PARKS, NATIONAL PARK RESERVES, NATIONAL MARINE CONSERVATION AREAS, NATIONAL MARINE CONSERVATION AREA RESERVES

Canada and the Province will be required to consult the Nunatsiavut Government prior to entering agreements to establish national parks, national park reserves, national marine conservation areas and national marine conservation area reserves in the Labrador Inuit Settlement Area outside Labrador Inuit Lands. In each case, Canada and the Nunatsiavut Government will negotiate a park impacts and benefits agreement addressing matters connected to the proposed area that might have a detrimental impact, or could confer a benefit, on Inuit. If they are unable to reach agreement, they shall attempt conciliation. If conciliation fails, the responsible federal Minister will decide the terms of the park impacts and benefits agreement. A park impacts and benefits agreement will not be constitutionally protected.

In the event of a conflict between an Inuit law and a federal law of general

application relating to these areas, federal law will prevail. Qualified Inuit contractors will receive fair consideration regarding contracts for the establishment, operation and maintenance of these areas.

PROTECTED AREAS

The Nunatsiavut Government will be able to establish and make laws in relation to protected areas in Labrador Inuit Lands.

If Canada or the Province intends to establish a protected area in Labrador Inuit Lands, an agreement must be concluded with the Nunatsiavut Government. Such agreements will not be constitutionally protected.

In the event of a conflict between an Inuit law relating to protected areas established in Labrador Inuit Lands and a federal or provincial law, the Inuit law will prevail. However, in the event of a conflict between an Inuit law and a federal or provincial law in relation to critical habitat of species at risk, the federal or provincial law will prevail.

Canada and the Province will be required to consult the Nunatsiavut Government prior to establishing protected areas in the Labrador Inuit Settlement Area. The Nunatsiavut Government will be required to consult Canada and the Province prior to establishing protected areas in Labrador Inuit Lands.

If Canada or the Province establishes a

protected area in the Labrador Inuit Settlement Areas outside Labrador Inuit Lands, a protected area agreement with the Nunatsiavut Government will be required. The protected area agreement will address matters relevant to the establishment, development and operation of the protected area and matters connected with the protected area that might have a detrimental impact, or could confer a benefit, on Inuit. If Canada or the Province is establishing the protected area for purposes of conservation, establishment may occur prior to conclusion of a protected area agreement. Protected area agreements will not be constitutionally protected.

*Torngat Mountains National Park
Reserve of Canada*

TORNGAT MOUNTAINS NATIONAL PARK RESERVE OF CANADA

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TORNGAT MOUNTAINS NATIONAL PARK RESERVE OF CANADA

The Labrador Inuit Land Claims Agreement provides for the establishment of the Torngat Mountains National Park Reserve of Canada (the National Park Reserve), of approximately 9700 square kilometres, in the Labrador Inuit Settlement Area. It extends from Saglek Fjord in the south to the very northern tip of Labrador, and from the provincial boundary with Quebec in the west to the Labrador Sea in the east. The National Park Reserve protects an area of spectacular Arctic wilderness and is home to a variety of wildlife and numerous archaeological sites. The National Park Reserve will be the first of its kind in Labrador and will be created on the effective date of the Labrador Inuit Land Claims Agreement.

Nunavik Inuit, represented by Makivik Corporation, also have an unresolved land claim to the area covered by the National Park Reserve. The area will remain a national park reserve until this claim is settled, at which time the area will become a national park.

PARK IMPACTS AND BENEFITS AGREEMENT

On January 22, 2005, Canada and Labrador Inuit Association signed a Park Impacts and Benefits Agreement. This agreement ensures that the National Park Reserve will highlight the unique relationship of the Labrador Inuit with the land while at the same time establishing a framework for the co-operative management of the National Park Reserve by Canada and the Inuit. The agreement will also provide other economic and employment opportunities for Labrador Inuit and address potential impacts that the creation of the national park reserve may have for Labrador Inuit. It will not be constitutionally protected.

Canada and Makivik Corporation will negotiate a separate park impacts and benefits agreement, similar to that negotiated with the Labrador Inuit Association, for Nunavik Inuit.

LAND TRANSFER AGREEMENT

On January 22, 2005, Canada and the Province signed a Memorandum of Agreement for the National Park Reserve. The agreement sets out the terms and conditions by which the Province has agreed to transfer the administration and control of the lands set aside to establish the National Park Reserve.

Environmental Assessment

ENVIRONMENTAL ASSESSMENT

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Settlement Area and may have a role, through consultation or other means, in those outside the Labrador Inuit Settlement Area that may reasonably be expected to have adverse environmental effects in the Labrador Inuit Settlement Area or on Inuit rights under the Labrador Inuit Land Claims Agreement.

GENERAL

Federal and provincial environmental assessment processes will continue to apply throughout the Labrador Inuit Settlement Area. No project will commence in Labrador Inuit Lands prior to completion of an environmental assessment and issuance of all necessary permits, including by the Nunatsiavut Government. If a project is subject to more than one environmental assessment, the Parties will take measures to avoid unnecessary duplication.

INUIT JURISDICTION

The Nunatsiavut Government may make laws in relation to the environmental assessment of projects in Labrador Inuit Lands. Environmental assessments of exploration-related work can only be undertaken if an assessment under federal or provincial law is also triggered. Federal or provincial laws will prevail over Inuit laws in cases of conflict.

INUIT PARTICIPATION

The Inuit will be guaranteed participation in federal and provincial environmental assessments in the Labrador Inuit

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Wildlife Harvesting and Management
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WILDLIFE HARVESTING AND MANAGEMENT

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Inuit Domestic Harvest	1
Management by Nunatsiavut Government Torngat Wildlife and Plants Co- Management Board	1
Commercial Harvesting	2
Harvesting Outside the Labrador Inuit Settlement Area	2

GENERAL

The responsible Minister will retain ultimate authority for the management of wildlife and plants in the Labrador Inuit Settlement Area.

Conservation and the use of the precautionary approach will be priorities in decision-making that relates to or directly affects wildlife or plants in the Labrador Inuit Settlement Area.

INUIT DOMESTIC HARVEST

Inuit will be able to harvest wildlife and plants in the Labrador Inuit Settlement Area for subsistence purposes. The amounts taken in this harvest, to be known as the Inuit Domestic Harvest, may be subject to conservation restrictions. Inuit subsistence harvesting will constitute a first demand against the total quantity of the species or population that may be harvested.

Inuit will have the right to give, trade, exchange or barter among themselves and

with other Aboriginal people wildlife or plants harvested for subsistence purposes. Subsistence harvesting rights may be transferred to a spouse, parent, child, another Inuk or another Aboriginal person.

Harvesting methods and technology used by the Labrador Inuit must be humane.

The Inuit Domestic Harvest will be subject to laws of general application respecting conservation, public health and public safety.

MANAGEMENT BY NUNATSIAVUT GOVERNMENT

The Nunatsiavut Government will be able to make laws in relation to wildlife and plants in the Labrador Inuit Settlement Area, including the establishment, allocation, licensing, transfer, management and administration of harvesting and harvesting rights. The provincial Minister retains the power of disallowance in areas of provincial jurisdiction.

Laws of general application in relation to conservation, public health or public safety will prevail over Inuit laws in cases of conflict.

TORNGAT WILDLIFE AND PLANTS CO-MANAGEMENT BOARD

The Torngat Wildlife and Plants Co-Management Board will be established as the primary advisory body to the appropriate federal or provincial Minister

on the management of wildlife and plants in the Labrador Inuit Settlement Area. The Board consists of three members appointed by the Nunatsiavut Government, two appointed by the Province, one appointed by the federal Minister and a chairperson. The chair will be nominated by the other members and appointed by the appropriate provincial Minister.

COMMERCIAL HARVESTING

Commercial wildlife operations and commercial plant operations existing in the Labrador Inuit Settlement Area will continue to operate subject to federal and provincial laws, but the Nunatsiavut Government will authorize new operations in Labrador Inuit Lands that will operate under Inuit laws.

HARVESTING OUTSIDE THE LABRADOR INUIT SETTLEMENT AREA

Inuit resident in Labrador outside the Labrador Inuit Settlement Area will be able to harvest wildlife and plants in a designated area outside the Labrador Inuit Settlement Area. With respect to migratory birds, this entitlement will be for nine years.

Fish Harvesting and Management

FISH HARVESTING AND MANAGEMENT

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Torngat Joint Fisheries Board	2
Commercial Harvesting	2
Harvesting Outside the Labrador Inuit Settlement Area	2

GENERAL

The federal Minister responsible for fisheries will retain ultimate authority for the management of fisheries in the Labrador Inuit Settlement Area. The Nunatsiavut Government and the Torngat Joint Fisheries Board will also have a role to play.

Conservation will be a priority in decision-making that relates to or affects fish, aquatic plants or fisheries in the Labrador Inuit Settlement Area.

Labrador Inuit will have the right to give, trade, exchange or barter among themselves and with other Aboriginal people fish or aquatic plants harvested for subsistence purposes. Subsistence harvesting rights may be transferred to a spouse, parent, child, another Inuk or another Aboriginal person.

INUIT DOMESTIC FISHERY

Labrador Inuit may harvest fish and aquatic plants in the Labrador Inuit Settlement

Area for subsistence purposes. The amounts taken in this harvest, to be known as the Inuit Domestic Fishery, may be subject to conservation restrictions. Labrador Inuit subsistence harvesting will constitute a first demand against the total quantity of the species or stock that may be harvested.

Harvesting methods and technology used by the Labrador Inuit must be humane.

The Inuit Domestic Harvest will be subject to laws of general application and measures established under legislation, in relation to conservation, public health and public safety. Before establishing a measure that directly affects the Inuit Domestic Fishery, the federal Minister responsible for fisheries will be required to consult the Nunatsiavut Government to attempt to reach agreement on measures that the Nunatsiavut Government could take to effect the same purpose.

MANAGEMENT BY NUNATSIAVUT GOVERNMENT

The Nunatsiavut Government will be able to make laws in relation to:

- the management of Labrador Inuit subsistence harvesting
- the determination of who may harvest under the commercial fishing licences issued to it by the Minister

- the determination of who may harvest fish in Labrador Inuit Lands
- the management of access to Labrador Inuit Lands for purposes of harvesting fish; and
- the transfer of opportunities to harvest fish

Federal laws of general application or measures related to conservation, public health or public safety will prevail over Inuit laws in cases of conflict.

The Nunatsiavut Government will not authorize any non-beneficiary to harvest under a commercial fishing licence issued to it if that person is not eligible to be issued a similar licence by the federal Minister responsible for fisheries.

TORNGAT JOINT FISHERIES BOARD

The Torngat Joint Fisheries Board will be established as the primary body making recommendations to the Minister on the management of fisheries in the Labrador Inuit Settlement Area (other than Labrador Inuit subsistence harvesting). It may also perform functions relating to fisheries in the Labrador Inuit Settlement Area, at the request of the party with jurisdiction respecting the matter. The Board consists of three members appointed by the Nunatsiavut Government, two appointed by the federal Minister, one appointed by the Province and a chairperson. The chair will be nominated by the other members and appointed by the federal Minister

responsible for fisheries

COMMERCIAL HARVESTING

If the Minister decides to issue more commercial licences than the number available for issuance in the year of the Agreement, the Nunatsiavut Government will receive allocations of commercial licenses for specified species in the Labrador Inuit Settlement Area, or waters adjacent to the tidal waters of the Labrador Inuit Settlement Area.

Licences available for issuance on the effective date of the Labrador Inuit Agreement are not affected nor is the right of Inuit to secure licences through the generally applicable process.

HARVESTING OUTSIDE THE LABRADOR INUIT SETTLEMENT AREA

Canada and the Nunatsiavut Government will negotiate an arrangement for communal food fishing licences for fishing in the tidal waters of Lake Melville by beneficiaries resident in Labrador outside the Labrador Inuit Settlement Area. The arrangement will be for nine years and may be extended by the Minister. It will not receive constitutional protection under the *Constitution Act, 1982*.

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*Archaeology, Inuit Cultural Materials,
Inuit Burial Sites and Human Remains*
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ARCHAEOLOGY, INUIT CULTURAL MATERIALS, INUIT BURIAL SITES AND HUMAN REMAINS

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Overview	1
Inuit Jurisdiction	1
Title to Archaeological Material	1
Management	1

OVERVIEW

The Labrador Inuit Land Claims Agreement provides for protection and management of archaeological materials, archaeological sites, Inuit cultural materials, Inuit burial sites and Inuit human remains in the Labrador Inuit Settlement Area. Consultation between the Parties is required with respect to several matters under their respective jurisdictions.

INUIT JURISDICTION

Within Labrador Inuit Lands and the Inuit Communities, the Nunatsiavut Government will be able to make laws in relation to archaeological activities and the protection of archaeological sites, archaeological materials, Inuit burial sites, Inuit human remains and Inuit cultural materials.

The Nunatsiavut Government will be able to make laws in relation to the designation of historically significant buildings in Labrador Inuit Lands and the Inuit Communities, other than those on federal lands.

Federal and provincial laws will prevail over Inuit laws in cases of conflict, except in relation to the protection of Inuit burial sites, Inuit human remains and Inuit cultural materials. However, criminal law or laws in relation to public health or public safety will prevail over even these Inuit laws in cases of conflict.

The federal and provincial governments will retain their permitting authorities on lands under their respective control in the rest of the Labrador Inuit Settlement Area and in such areas Inuit laws would not apply.

TITLE TO ARCHAEOLOGICAL MATERIAL

The Nunatsiavut Government will own all archaeological material found in Labrador Inuit Lands. The Nunatsiavut Government and Canada will jointly own all archaeological material found on federal lands in the rest of the Labrador Inuit Settlement Area. The Nunatsiavut Government and the Province will jointly own all archaeological material found on other lands in the Labrador Inuit Settlement Area outside Labrador Inuit Lands.

MANAGEMENT

On the effective date, the Canadian Museum of Civilization will transfer to the Nunatsiavut Government archaeological

material set out in a schedule included in the Labrador Inuit Land Claims Agreement.

The Nunatsiavut Government, Canada and the Province will attempt to negotiate standards for the safekeeping of archaeological materials and Inuit cultural materials. If they are unable to do so, standards will be determined through the dispute resolution process established under the Labrador Inuit Land Claims Agreement.



Nunatsiavut Government

NUNATSIAVUT GOVERNMENT

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LAW-MAKING AUTHORITY

The Nunatsiavut Government will have law-making authority over Inuit, Labrador Inuit Lands and in some instances within Inuit Communities and throughout the Province.

The Nunatsiavut Government will be able to make laws applicable to Inuit in Labrador Inuit Lands and the Inuit Communities with respect to culture and language, education, health and social services. Jurisdiction in relation to marriage and adoption could extend to Inuit residing in the Province.

The Nunatsiavut Government will also have jurisdiction over the management of Inuit rights and benefits under the Labrador Inuit Land Claims Agreement.

In some cases, Inuit laws will be required to meet federal and provincial standards. Inuit laws dealing with matters exclusively of concern to Inuit will prevail over federal or provincial laws in cases of conflict or inconsistency. In other areas, federal or provincial laws will prevail.

The Nunatsiavut Government will be able to make laws for the administration of justice and to establish necessary enforcement structures, including an Inuit law enforcement agency and an Inuit Court.

There is no jurisdiction over Canadian citizenship, intellectual property or

INTRODUCTION

The Nunatsiavut Government will be created as a result of the Labrador Inuit Land Claims Agreement and the Inuit Constitution. It will be responsible for intergovernmental relations between all levels of Inuit government and the federal and provincial governments.

The Nunatsiavut Government will be a regional Inuit government. The legislative centre will be Hopedale and the administrative centre will be Nain.

The Nunatsiavut Government will be subject to the *Canadian Charter of Rights and Freedoms*.

STRUCTURE

The Nunatsiavut Government will include representatives elected by Inuit in each of the Inuit communities, the upper Lake Melville area, and elsewhere in Canada. Elections will be held every four years.

The AngajukKak (mayor) of each Inuit Community, elected by all residents of the community, will also sit on the Nunatsiavut Government.

criminal law.

Community Governments

COMMUNITY GOVERNMENTS

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- Up to 25% of Inuit Community Council seats, but at least one, are set aside for non-Inuit who become resident of a community after May 10, 1999 (and who do not fit into the 75% group)

INTRODUCTION

Inuit Community Governments will be local governments established for each of the five Inuit Communities (Nain, Hopedale, Makkovik, Postville, Rigolet). They will have municipal-type powers, replacing the existing local governments.

STRUCTURE

The legislative authority of each Inuit Community Government will be vested in an elected Inuit Community Council composed of an AngajukKak (mayor) and Inuit Community Councillors. The AngajukKak must be an Inuk elected by all residents of the community. Inuit Community Councillors belong to one of two groups:

- A minimum of 75% of Inuit Community Council seats in each Inuit Community Government are reserved for: (a) Inuit residing in the community, and (b) non-Inuit who on May 10, 1999 resided in that or another of the communities and continue to do so, and their first-generation descendants who have always resided in that or another of the communities

Inuit Community Councils must be elected at regular intervals, not exceeding five years. The Inuit Constitution provides that the elections will coincide with those held in other municipalities in Newfoundland and Labrador.

Under the Inuit Constitution, the AngajukKak of each Inuit Community Government will sit in the Nunatsiavut Assembly, thus providing a voice for all residents in the regional government.

LAW-MAKING AUTHORITY

Inuit Community Governments will have municipal-type powers to make laws respecting matters such as management of lands within the Inuit Community, community parks, curfews, community economic development, community public works and the operation of recreational vehicles. They will also be able to make laws respecting matters such as prevention of water pollution, zoning, fire protection and the licensing of businesses, but in these cases any conflicts with laws of general application will be resolved in favour of the latter. Laws will apply equally to Inuit and non-Inuit in the community.

Inuit Community Governments will have the power to make laws in relation to the direct taxation of Inuit in the same manner as municipalities under provincial legislation. These powers may be extended to apply to non-Inuit, through negotiated agreements with Canada and the Province.

Inuit Community Governments will be subject to the provincial *Human Rights Code*. They will be responsible and financially accountable to all residents, Inuit and non-Inuit alike, of the Inuit Community.

*Fiscal Financing Agreements
and Own Source Revenue*

FISCAL FINANCING AGREEMENTS

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Own Source Revenue	1

water, sewer, economic development); Health Canada and Fisheries and Oceans Canada will transfer \$61.8 million over five years to support program delivery by the Nunatsiavut Government.

GENERAL

Every five years or as otherwise agreed to, the Parties will negotiate a fiscal financing agreement by which funding will be provided to the Nunatsiavut Government to cover the cost of agreed-upon programs and services to individuals in Inuit Communities at levels reasonably comparable to those generally prevailing in communities of similar size and circumstances in Labrador. Fiscal financing agreements will be negotiated based on core fiscal principles set out in the Labrador Inuit Land Claims Agreement. They will not form part of the Labrador Inuit Land Claims Agreement and will not receive constitutional protection.

The first fiscal financing agreement has been negotiated. The renewable, five-year agreement replaces several existing fiscal agreements. It sets out Canada's contributions for agreed upon programs and services as well as the Nunatsiavut Government's accountabilities and responsibilities. Indian and Northern Affairs Canada will provide \$73.9 million over five years for the self-government components of the Labrador Inuit Land Claims Agreement (post-secondary education, community infrastructure,

OWN SOURCE REVENUE

Inuit will contribute to the costs of agreed-upon programs and services through the inclusion of their own source revenues in the fiscal financing agreements over time. The own source revenue capacity agreement provides for an inclusion rate of 50% that will be phased in over a 20-year period, as it relates to federal transfers.

*Capital Transfer and
Negotiation Loan Payment*

CAPITAL TRANSFER AND NEGOTIATION LOAN PAYMENT

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Capital Transfer	1
Negotiation Loan Payment	1

CAPITAL TRANSFER

Canada will provide a capital transfer of \$140 million in 1997 dollars (\$189 million in 2003 dollars) to an organization to be designated by the Labrador Inuit Association, to be paid over a period of 15 years. The first payment will be made on the effective date of the Labrador Inuit Land Claims Agreement with annual payments to follow on the anniversary of the effective date.

NEGOTIATION LOAN PAYMENT

The Inuit received loans from Canada to pay for the costs of negotiating the Labrador Inuit Land Claims Agreement. The loan will be repaid over a period of 15 years, with the first payment on the effective date of the Labrador Inuit Land Claims Agreement and annual payments thereafter on the anniversary of the effective date. Loan payments can be deducted from the unpaid balance of the capital transfer or from other sources. The outstanding loan amount is approximately \$50 million.

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Taxation
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TAXATION

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the law making power of the Nunatsiavut Government or of the Inuit Community Governments may be extended to apply to non-Inuit or the manner in which their taxation powers will be coordinated with existing federal or provincial tax systems.

GENERAL

The Labrador Inuit Land Claims Agreement and the tax treatment agreement referred to therein set out the status and authorities of the Nunatsiavut Government and of the Inuit Community Governments with respect to taxation. The tax treatment agreement will be given the force of law, but will not be a treaty or a land claims agreement within the meaning of the *Constitution Act, 1982*.

TAX AUTHORITIES

The Nunatsiavut Government will have the power to enact laws in relation to direct taxation of Inuit within Labrador Inuit Lands and the Inuit Communities. The Inuit Community Governments will have the power to enact laws in relation to the direct taxation of Inuit in the same manner as municipalities under provincial legislation. Federal and provincial taxation jurisdictions are not affected by these new authorities. Inuit laws will be subject to Canada's international legal obligations respecting taxation.

Canada and the Province may negotiate agreements with the Nunatsiavut Government respecting the extent to which

TAX STATUS

The Nunatsiavut Government will not be subject to taxation of land, or interests in land, within Labrador Inuit Lands and the Inuit Communities on which there is no improvement other than one used for a public purpose and not for a profitable purpose.

A transfer of Inuit capital under the Agreement will not be taxable.

Provincial royalties received by Inuit respecting their interest in subsurface resources and amounts received under an impacts and benefits agreement will not be subject to taxation under provincial taxation legislation in respect of resources.

The Parties have entered into a tax treatment agreement in relation to the tax treatment of Inuit Capital, the Nunatsiavut Government, Inuit Community Governments, corporations or other entities of Inuit governments and the Inuit Settlement Trust.



*Implementation and
Implementation Funding*

IMPLEMENTATION AND IMPLEMENTATION FUNDING

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IMPLEMENTATION PLAN

The Parties have signed an implementation plan for implementation of the Labrador Inuit Land Claims Agreement, identifying obligations and associated activities, funding and time frames. The implementation plan contains budgets negotiated between the Parties for the establishment and operation of various boards and other bodies. It will be for an initial term of ten years, commencing on the effective date of the Labrador Inuit Land Claims Agreement, and identifies a process for its periodic review and renewal beyond the initial term.

IMPLEMENTATION COMMITTEE

The Implementation Committee will consist of one member appointed by each Party, to oversee and monitor implementation of the Labrador Inuit Land Claims Agreement. The Committee will conduct periodic reviews of the implementation of the Agreement and provide annual reports on the implementation of the Labrador Inuit Land Claims Agreement. The Committee will also recommend to the Parties whether the Implementation Plan should be renewed

beyond its initial term.

IMPLEMENTATION FUND

Canada will transfer \$156 million in 1997 dollars (\$191.3 million in 2003 dollars) to the Nunatsiavut Government over a ten-year period for implementation of the Labrador Inuit Land Claims Agreement. In exchange, Canada has no further obligation to provide implementation funding (beyond those relating to the establishment and operation of various boards and other bodies identified in the Labrador Inuit Land Claims Agreement, any required nuclear decommissioning, translation activities or self-government obligations).

Canada provided \$5 million in 1997 dollars (\$5.6 million in 2003 dollars) to the Labrador Inuit Association on the date of the signing of the Labrador Inuit Land Claims Agreement for early implementation activities.

Ministerial Power

MINISTERIAL POWER

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GENERAL

Federal Ministers will be responsible for exercising certain Ministerial powers under the Labrador Inuit Land Claims Agreement. These Ministerial powers apply primarily in the areas of responding to recommendations of the Nunatsiavut Government and appointments to Boards.

OCEAN MANAGEMENT

The appropriate federal Minister will consult in the development and implementation of marine protected areas in the Labrador Inuit Settlement Area.

The appropriate federal Minister will accept, vary or reject recommendations of the Nunatsiavut Government respecting the establishment of marine protected areas in the tidal waters of the Labrador Inuit Settlement Area or terms and conditions relating to management plans for them. In the case of a rejection or variance, the Minister shall provide the Nunatsiavut Government with written reasons for the decision.

The appropriate federal Minister will

decide the terms of a marine protected area agreement if Canada and the Nunatsiavut Government are unable to do so following negotiation and conciliation.

NATIONAL PARKS

The appropriate federal Minister will decide the terms of a park impacts and benefits agreement if Canada and the Nunatsiavut Government are unable to do so following negotiation and conciliation.

WILDLIFE

Most wildlife issues fall within provincial jurisdiction. However, the appropriate federal Minister will retain overall responsibility for migratory birds. The Nunatsiavut Government will make recommendations to the appropriate provincial Minister respecting the amount of a species of wildlife required by Inuit for subsistence purposes. The provincial Minister will provide written reasons if a different amount is established.

The provincial Minister shall approve, reject, vary or replace a recommendation by the Torngat Wildlife and Plants Co-Management Board respecting the management of wildlife in the Labrador Inuit Settlement Area and will provide written reasons if the recommendation is not approved.

The appropriate federal Minister will appoint one member to the seven-member Board. The provincial Minister will

appoint the chair, from nominations received from the other Board members.

The federal Minister will appoint two members to the Board and will appoint the chair as nominated by the other members on the Board.

FISHERIES

The federal Minister responsible for fisheries will consult the Nunatsiavut Government prior to taking action that could affect Labrador Inuit subsistence harvesting, for the purpose of attempting to reach agreement on measures that the Nunatsiavut Government could take to effect the same purpose. The Minister will provide written reasons for any measures established, if no agreement is reached.

The federal Minister will receive recommendations from the Nunatsiavut Government respecting the quantity of a species of fish needed annually by Labrador Inuit for subsistence purposes. A different quantity may be established only following consultation with the Nunatsiavut Government.

The federal Minister will receive recommendations for the establishment of fishing areas of customary importance to the Inuit and for times and places for Labrador Inuit subsistence harvesting. Written reasons will be provided if the recommendations are not accepted.

The federal Minister shall receive recommendations by the Torngat Joint Fisheries Board respecting the management of fisheries in the Labrador Inuit Settlement Area (other than Labrador Inuit subsistence harvesting) and will provide written reasons if the recommendation is not accepted.

Transitional Time Lines

TRANSITIONAL TIME LINES

CONTENTS	
General	1
Enrolment	1
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GENERAL

Most provisions of the Labrador Inuit Land Claims Agreement will come into force on the effective date of the Labrador Inuit Land Claims Agreement. This date will be set by the Governor in Council following passage of the proposed Labrador Inuit Land Claims Agreement Act by Parliament. The effective date will be determined in consultation with the Government of Newfoundland and Labrador and the Labrador Inuit Association.

The Labrador Inuit Constitution, ratified by the Inuit in April 2002, will also come into effect on the effective date of the Labrador Inuit Land Claims Agreement. It contains transitional provisions to facilitate implementation of the Labrador Inuit Land Claims Agreement.

ENROLMENT

On the effective date of the Labrador Inuit Land Claims Agreement the Nunatsiavut Government will establish enrolment committees for each of the regions identified in the Agreement.

IMPLEMENTATION

Implementation Plan and Implementation Committee

The Labrador Inuit Land Claims Agreement Implementation Plan was signed on the same day as the Labrador Inuit Land Claims Agreement. It outlines all of the obligations under the Labrador Inuit Land Claims Agreement as well as the roles and responsibilities of the parties to the Agreement.

The Labrador Inuit Land Claims Agreement requires that an Implementation Committee, comprised of representatives of all three parties to the Agreement, be established within three months of the effective date of the Agreement. The Implementation Committee will oversee the implementation of the Labrador Inuit Land Claims Agreement.

APPOINTMENTS

Torngat Joint Fisheries Board

The Labrador Inuit Land Claims Agreement establishes the Torngat Joint Fisheries Board on the effective date of the Agreement.

Planning for the appointment of members to this Board is to begin before the effective date of the Labrador Inuit Land Claims Agreement so that it will be ready to operate immediately after the effective date.

The federal Minister of Fisheries and Oceans will appoint federal representatives to the Torngat Joint Fisheries Board. The Nunatsiavut Government and the Government of Newfoundland and Labrador will also appoint members.

Torngat Wildlife and Plants Co-Management Board

The Labrador Inuit Land Claims Agreement establishes the Torngat Wildlife and Plants Co-Management Board on the effective date of the Agreement.

Planning for the appointment of members to this Board is to begin before the effective date of the Labrador Inuit Land Claims Agreement so that it will be ready to operate immediately after the effective date.

The federal Minister of Environment will appoint federal representatives to the Torngat Joint Fisheries Board. The Nunatsiavut Government and the Government of Newfoundland and Labrador will also appoint members.

Dispute Resolution Board

The Labrador Inuit Land Claims Agreement sets out a dispute resolution process for disputes arising under the Agreement.

A Dispute Resolution Board will be established as soon as practicable after the effective date of the Labrador Inuit Land Claims Agreement. Each party to the Agreement shall appoint one member to the Dispute Resolution Board. An additional two members shall be appointed to the

Board by the Chief Justice, based on a list provided by the initial three members.

GOVERNMENT

Nunatsiavut Government

The Nunatsiavut Government will be established on the effective date of the Labrador Inuit Land Claims Agreement.

The Nunatsiavut Government will be the successor of the Labrador Inuit Association for the purposes of the Labrador Inuit Land Claims Agreement.

Under the Inuit Constitution, the current executive of the Labrador Inuit Association will become the first members of the Nunatsiavut Government. They will hold these positions until the first election held under the Inuit Constitution.

Federal and provincial laws will continue in effect until replaced by Inuit laws.

Inuit Community Governments

The Labrador Inuit Land Claims Agreement provides for the creation of five Inuit Community Governments. These community governments will replace the current municipal governments in Nain, Hopedale, Makkovik, Postville and Rigolet.

The transition from provincial municipalities to Inuit Communities will be triggered when the first Inuit Community Councils, including the AngajukKak, take office after the first

election under the Inuit Constitution.

The existing town councils and the individuals who hold office as mayors and councillors shall continue in those positions until they are replaced in accordance with the Inuit Constitution.

The lands and assets of the current municipal governments currently held by the Government of Newfoundland and Labrador will be transferred to the corresponding Inuit community government following the election of the first Inuit Community Councils.

Municipal bylaws will remain in effect until replaced by Inuit Community bylaws.

LANDS

Labrador Inuit Lands

On the effective date of the Labrador Inuit Land Claims Agreement, the Government of Newfoundland and Labrador will transfer fee simple title to 15,799 square kilometres of land to the Inuit. The Nunatsiavut Government will be responsible for the administration, control and management of Labrador Inuit Lands, on behalf of the Inuit.

Any existing interests in Labrador Inuit Lands will continue in accordance with their terms and conditions. However, any renewal of these interests will be subject to any reasonable terms and conditions imposed by the Nunatsiavut Government.

Inuit Community Lands

Except for some specific parcels, all lands in the existing municipalities of Nain, Hopedale, Makkovik, Postville and Rigolet will be transferred to the corresponding Inuit Community Government.

There may be some parcels of Labrador Inuit Lands within the Inuit Communities.

FINANCIAL ARRANGEMENTS

Capital Transfer

The first capital transfer payment is due on the effective date of the Labrador Inuit Land Claims Agreement, and thereafter, for fourteen years, on the anniversary of that date.

Implementation Fund

The first implementation fund payment is due on the effective date of the Labrador Inuit Land Claims Agreement, and thereafter, for nine years on the anniversary of that date.

Subsurface Royalties

The Inuit have a right to a payment from the Government of Newfoundland and Labrador equal to 25 percent of the provincial revenues from subsurface resources in Labrador Inuit Lands.

The Inuit have a right to a payment from the Government of Newfoundland and Labrador for resource revenues the Province receives from subsurface resources in the Labrador Inuit Settlement Area.

The Inuit have a right to five percent of provincial revenues from the Voisey's Bay Development.

Any payments from the province will be made on a monthly basis.

Fiscal Financing Agreement

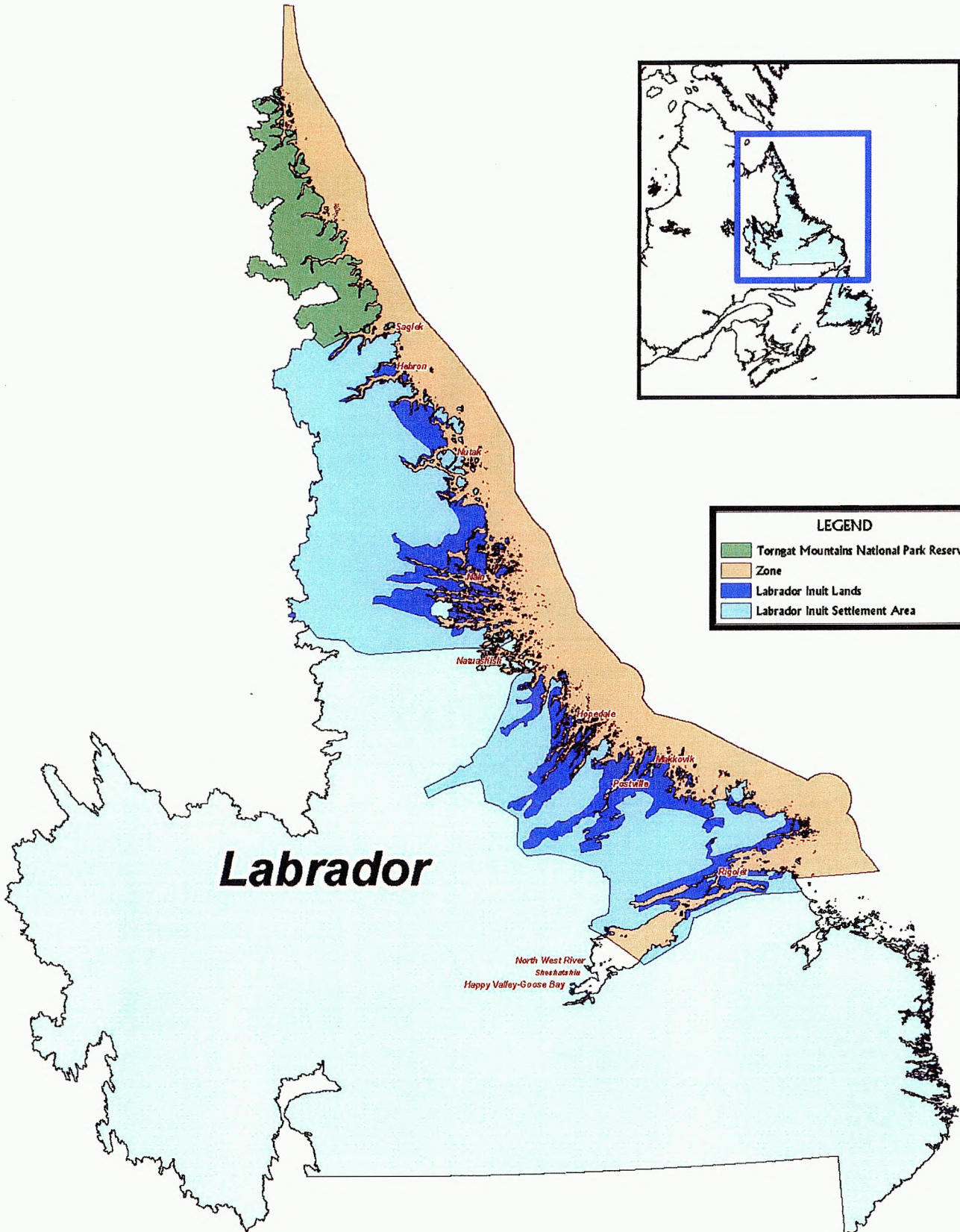
The first fiscal financing agreement negotiated pursuant to the Labrador Inuit Land Claims Agreement will come into effect on the effective date of the Agreement. Current funding arrangements with the Labrador Inuit, or with the Government or Newfoundland and Labrador by which funding is provided by Canada for the five Inuit communities, will be subsumed under the fiscal financing agreement.

Reference Materials

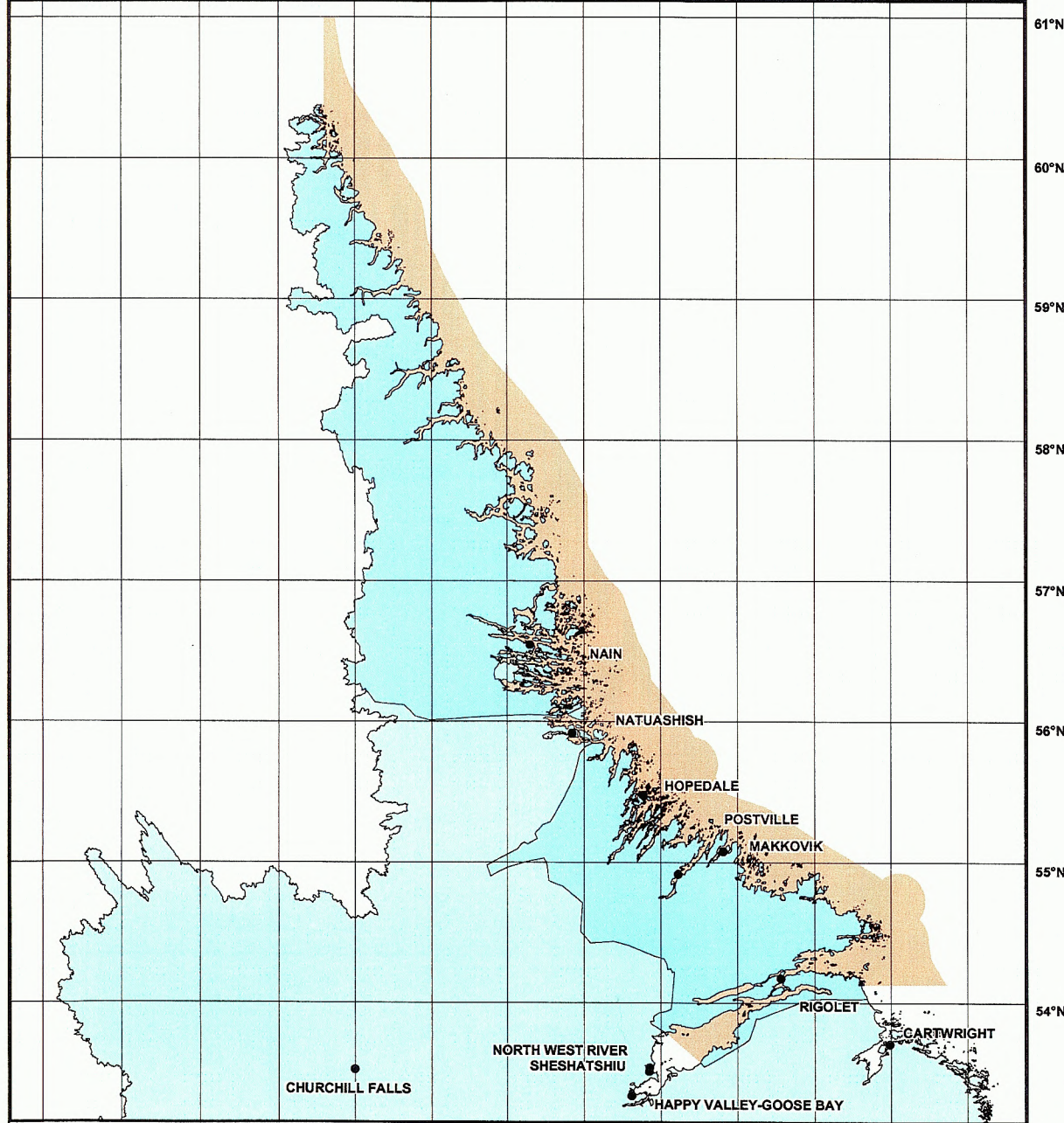


Maps

LABRADOR INUIT LAND CLAIMS AGREEMENT



68°W 67°W 66°W 65°W 64°W 63°W 62°W 61°W 60°W 59°W 58°W 57°W 56°W





Labrador Inuit Land Claims Agreement

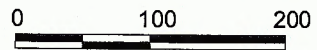
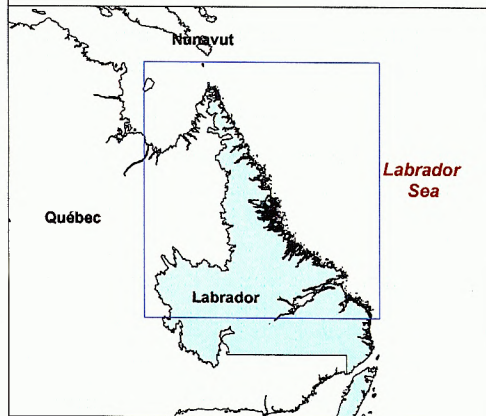
Labrador Inuit Settlement Area

This is not an authoritative map of the Labrador Inuit Settlement Area and has been prepared for illustrative purposes only. The authoritative maps of the Labrador Inuit Settlement Area are contained in the Map Atlas.

legend

Labrador Inuit Settlement Area

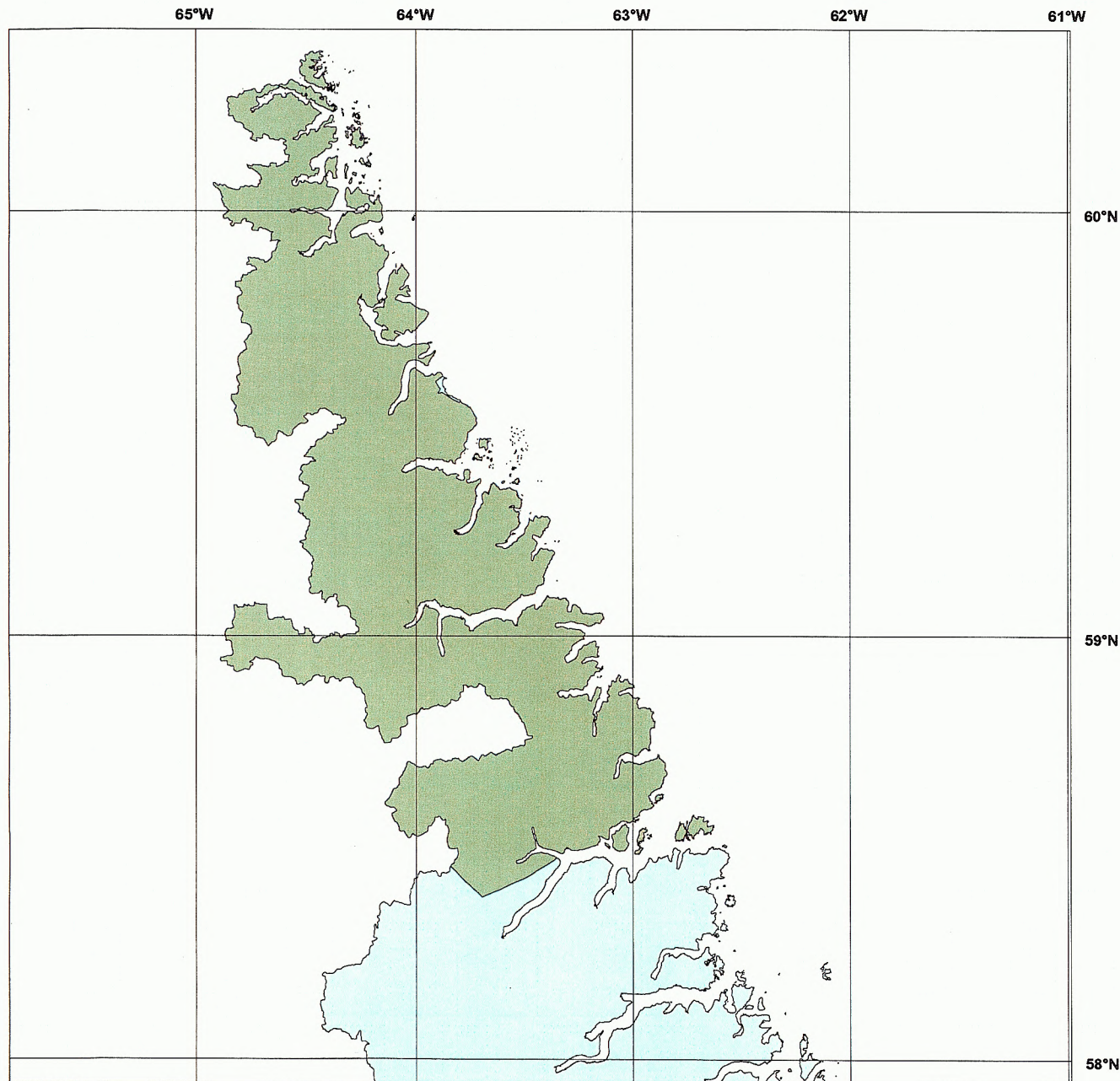
-  land and Waters
-  Zone



kilometres

scale
1 : 5,000,000





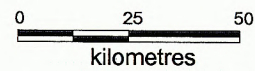
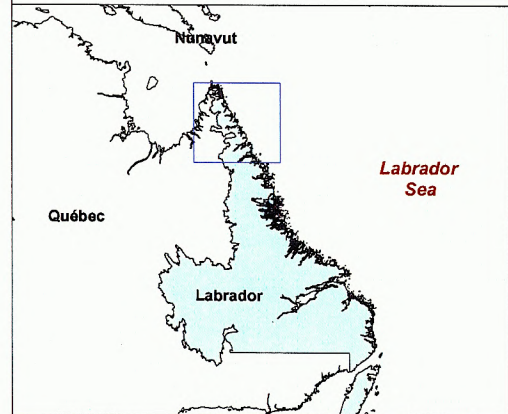
Labrador Inuit Land Claims Agreement

Torngat Mountains National Park Reserve of Canada

This is not an authoritative map of the Torngat Mountains National Park Reserve of Canada and has been prepared for illustrative purposes only. The authoritative maps of the Torngat Mountains National Park Reserve of Canada are contained in the Map Atlas.

legend

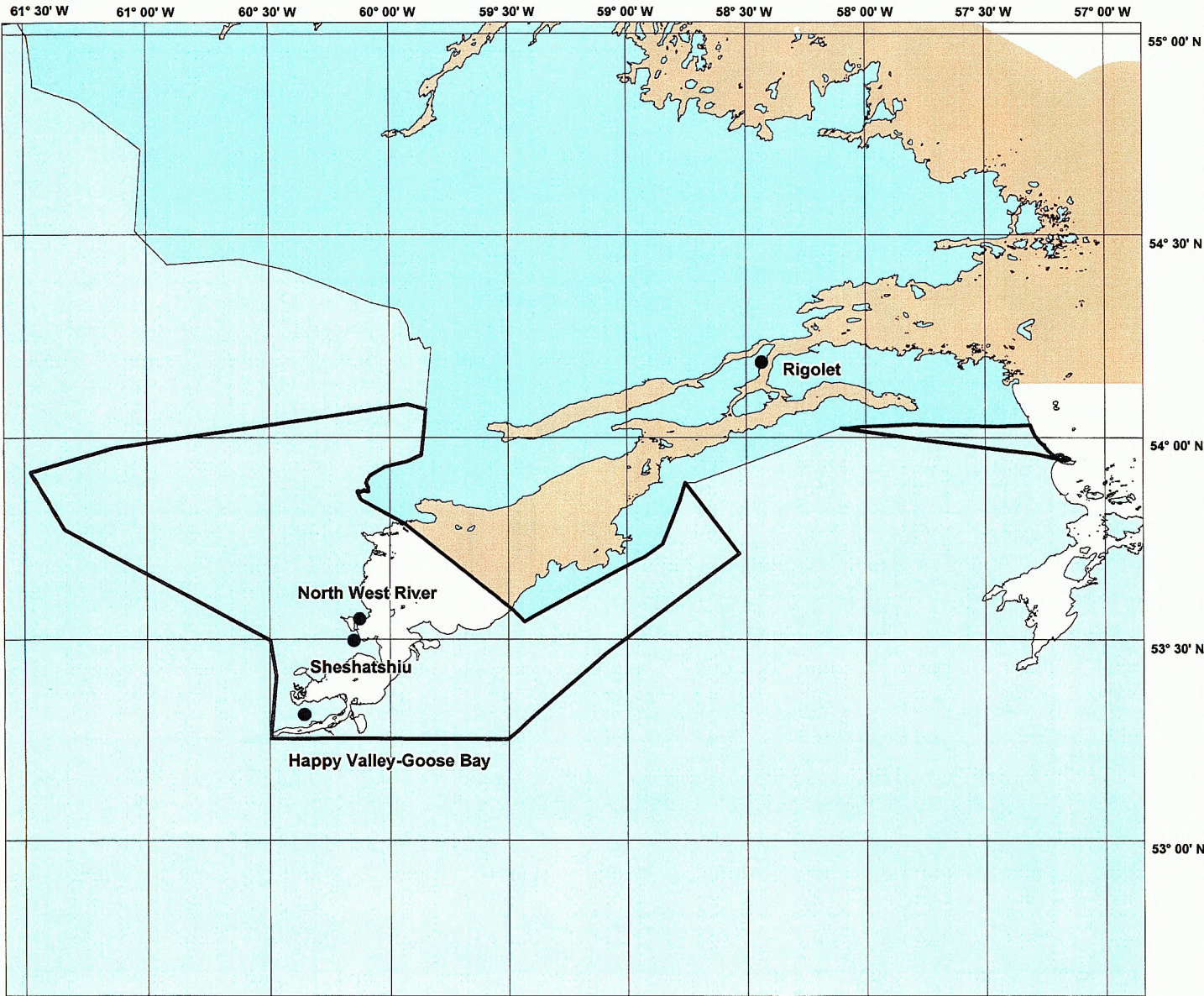
 Torngat Mountains National Park Reserve of Canada



scale
1 : 1,600,000






Labrador Inuit Land Claims Agreement

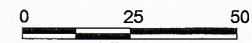
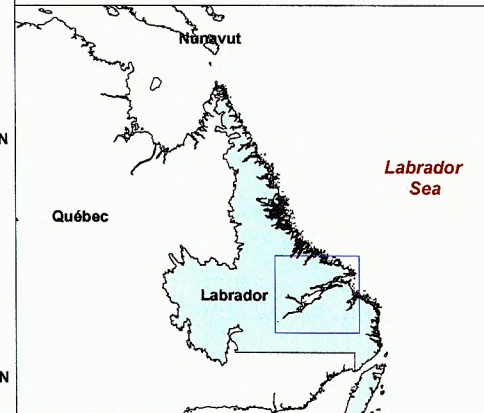


Areas outside the Labrador Inuit Settlement Area where Inuit have harvesting rights.

This is not an authoritative map of the areas outside the Labrador Inuit Settlement Area where Inuit have harvesting rights and has been prepared for illustrative purposes only. The authoritative maps of the areas are contained in the Map Atlas.

legend

-  areas outside the Labrador Inuit Settlement Area where Inuit have harvesting rights.
-  Labrador Inuit settlement Area (land and Waters)
-  Labrador Inuit Settlement Area (Zone)



scale
1 : 1,675,000



Acts



Constitution Act, 1982



Constitution Acts 1867 to 1982



Department of Justice *Ministère de la Justice*
Canada *Canada*

Français

The Constitution Act, 1982

Part

I Canadian Charter of Rights and Freedoms

Guarantee of Rights and Freedoms

Fundamental Freedoms

Democratic Rights

Mobility Rights

Legal Rights

Equality Rights

Official Languages of Canada

Minority Language Educational Rights

Enforcement

General

Application of Charter

Citation

II Rights of the Aboriginal Peoples of Canada

III Equalization and Regional Disparities

IV Constitutional Conference

IV.I Constitutional Conferences

V Procedure for Amending Constitution of Canada

VI Amendment to the Constitution Act, 1867

VII General

SCHEDULE B

CONSTITUTION ACT, 1982⁽⁷⁹⁾

**PART I
CANADIAN CHARTER OF RIGHTS AND FREEDOMS**

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

Rights and freedoms in Canada

- 1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

Fundamental freedoms

- 2. Everyone has the following fundamental freedoms:
 - (a) freedom of conscience and religion;
 - (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
 - (c) freedom of peaceful assembly; and
 - (d) freedom of association.

Democratic Rights

- Democratic rights of citizens**

3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.
- Maximum duration of legislative bodies**

4. (1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs of a general election of its members. ⁽⁸⁰⁾

(2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be. ⁽⁸¹⁾
- Continuation in special circumstances**

(2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be. ⁽⁸¹⁾
- Annual sitting of legislative bodies**

5. There shall be a sitting of Parliament and of each legislature at least once every twelve months. ⁽⁸²⁾

Mobility Rights

- Mobility of citizens**

6. (1) Every citizen of Canada has the right to enter, remain in and leave Canada.

(2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right

 - (a) to move to and take up residence in any province; and
 - (b) to pursue the gaining of a livelihood in any province.
- Limitation**

(3) The rights specified in subsection (2) are subject to

 - (a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and
 - (b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.

- Affirmative action programs**

(4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or

economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

Legal Rights

- | | | |
|--|------------|--|
| Life, liberty and security of person | 7. | Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. |
| Search or seizure | 8. | Everyone has the right to be secure against unreasonable search or seizure. |
| Detention or imprisonment | 9. | Everyone has the right not to be arbitrarily detained or imprisoned. |
| Arrest or detention | 10. | <p>Everyone has the right on arrest or detention</p> <ul style="list-style-type: none"> (a) to be informed promptly of the reasons therefor; (b) to retain and instruct counsel without delay and to be informed of that right; and (c) to have the validity of the detention determined by way of <i>habeas corpus</i> and to be released if the detention is not lawful. |
| Proceedings in criminal and penal matters | 11. | <p>Any person charged with an offence has the right</p> <ul style="list-style-type: none"> (a) to be informed without unreasonable delay of the specific offence; (b) to be tried within a reasonable time; (c) not to be compelled to be a witness in proceedings against that person in respect of the offence; (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal; (e) not to be denied reasonable bail without just cause; (f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment; (g) not to be found guilty on account of any act or |

omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;

- (h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and
- (i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

- | | | |
|--------------------------------|------------|--|
| Treatment or punishment | 12. | Everyone has the right not to be subjected to any cruel and unusual treatment or punishment. |
| Self-crimination | 13. | A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence. |
| Interpreter | 14. | A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter. |

Equality Rights

- | | | |
|--|------------|--|
| Equality before and under law and equal protection and benefit of law | 15. | (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. |
| Affirmative action programs | | (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. ⁽⁸³⁾ |

Official Languages of Canada

- Official languages of Canada** 16. (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.
- Official languages of New Brunswick** (2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick.
- Advancement of status and use** (3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French.
- English and French linguistic communities in New Brunswick** 16.1. (1) The English linguistic community and the French linguistic community in New Brunswick have equality of status and equal rights and privileges, including the right to distinct educational institutions and such distinct cultural institutions as are necessary for the preservation and promotion of those communities.
- Role of the legislature and government of New Brunswick** (2) The role of the legislature and government of New Brunswick to preserve and promote the status, rights and privileges referred to in subsection (1) is affirmed. ^(83.1)
- Proceedings of Parliament** 17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament. ⁽⁸⁴⁾
- Proceedings of New Brunswick legislature** (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick. ⁽⁸⁵⁾
- Parliamentary statutes and records** 18. (1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative. ⁽⁸⁶⁾
- New Brunswick statutes and records** (2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative. ⁽⁸⁷⁾
- Proceedings in courts established by Parliament** 19. (1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament. ⁽⁸⁸⁾
- Proceedings in New Brunswick courts** (2) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court of New Brunswick. ⁽⁸⁹⁾
- Communications by public with federal institutions** 20. (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right

with respect to any other office of any such institution where

- (a) there is a significant demand for communications with and services from that office in such language; or
- (b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

Communications by public with New Brunswick institutions

(2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

Continuation of existing constitutional provisions

21. Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada. ⁽⁹⁰⁾

Rights and privileges preserved

22. Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

Minority Language Educational Rights

Language of instruction

23. (1) Citizens of Canada

- (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or
- (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province. ⁽⁹¹⁾

Continuity of language instruction

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

Application
where numbers
warrant

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

- (a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and
- (b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

Enforcement

Enforcement of
guaranteed
rights and
freedoms

24. (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Exclusion of
evidence
bringing
administration
of justice into
disrepute

(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

General

Aboriginal
rights and
freedoms not
affected by
Charter

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

- (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and
- (b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired. ⁽⁹²⁾

- Other rights and freedoms not affected by Charter**

26. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.
- Multicultural heritage**

27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.
- Rights guaranteed equally to both sexes**

28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.
- Rights respecting certain schools preserved**

29. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools. ⁽⁹³⁾
- Application to territories and territorial authorities**

30. A reference in this Charter to a Province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be.
- Legislative powers not extended**

31. Nothing in this Charter extends the legislative powers of any body or authority.

Application of Charter

- Application of Charter**

32. (1) This Charter applies

 - (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and
 - (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.
- Exception**

(2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force.
- Exception where express declaration**

33. (1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

- Operation of exception** (2) An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration.
- Five year limitation** (3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.
- Re-enactment** (4) Parliament or the legislature of a province may re-enact a declaration made under subsection (1).
- Five year limitation** (5) Subsection (3) applies in respect of a re-enactment made under subsection (4).

Citation

- Citation** 34. This Part may be cited as the *Canadian Charter of Rights and Freedoms*.

**PART II
RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA**

- Recognition of existing aboriginal and treaty rights** 35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
- Definition of "aboriginal peoples of Canada"** (2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.
- Land claims agreements** (3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.
- Aboriginal and treaty rights are guaranteed equally to both sexes** (4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons. ⁽⁹⁴⁾
- Commitment to participation in constitutional** 35.1 The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to

conference

Class 24 of section 91 of the "*Constitution Act, 1867*", to section 25 of this Act or to this Part,

- (a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada; and
- (b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item. ⁽⁹⁵⁾

**PART III
EQUALIZATION AND REGIONAL DISPARITIES**

Commitment to promote equal opportunities

36. (1) Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial governments, are committed to

- (a) promoting equal opportunities for the well-being of Canadians;
- (b) furthering economic development to reduce disparity in opportunities; and
- (c) providing essential public services of reasonable quality to all Canadians.

Commitment respecting public services

(2) Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation. ⁽⁹⁶⁾

**PART IV
CONSTITUTIONAL CONFERENCE**

37. ⁽⁹⁷⁾

**PART IV.I
CONSTITUTIONAL CONFERENCES**

37.1 (98)

**PART V
PROCEDURE FOR AMENDING CONSTITUTION OF CANADA⁽⁹⁹⁾**

**General
procedure for
amending
Constitution of
Canada**

38. (1) An amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by

(a) resolutions of the Senate and House of Commons; and

(b) resolutions of the legislative assemblies of at least two-thirds of the provinces that have, in the aggregate, according to the then latest general census, at least fifty per cent of the population of all the provinces.

**Majority of
members**

(2) An amendment made under subsection (1) that derogates from the legislative powers, the proprietary rights or any other rights or privileges of the legislature or government of a province shall require a resolution supported by a majority of the members of each of the Senate, the House of Commons and the legislative assemblies required under subsection (1).

**Expression of
dissent**

(3) An amendment referred to in subsection (2) shall not have effect in a province the legislative assembly of which has expressed its dissent thereto by resolution supported by a majority of its members prior to the issue of the proclamation to which the amendment relates unless that legislative assembly, subsequently, by resolution supported by a majority of its members, revokes its dissent and authorizes the amendment.

**Revocation of
dissent**

(4) A resolution of dissent made for the purposes of subsection (3) may be revoked at any time before or after the issue of the proclamation to which it relates.

**Restriction on
proclamation**

39. (1) A proclamation shall not be issued under subsection 38(1) before the expiration of one year from the adoption of the resolution initiating the amendment procedure thereunder, unless

the legislative assembly of each province has previously adopted a resolution of assent or dissent.

Idem

(2) A proclamation shall not be issued under subsection 38(1) after the expiration of three years from the adoption of the resolution initiating the amendment procedure thereunder.

Compensation

40.

Where an amendment is made under subsection 38(1) that transfers provincial legislative powers relating to education or other cultural matters from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.

**Amendment by
unanimous
consent**

41.

An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

- (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
- (b) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province is entitled to be represented at the time this Part comes into force;
- (c) subject to section 43, the use of the English or the French language;
- (d) the composition of the Supreme Court of Canada; and
- (e) an amendment to this Part.

**Amendment by
general
procedure**

42.

(1) An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1):

- (a) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;
- (b) the powers of the Senate and the method of selecting Senators;
- (c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;
- (d) subject to paragraph 41(d), the Supreme Court of Canada;
- (e) the extension of existing provinces into the territories; and

(f) notwithstanding any other law or practice, the establishment of new provinces.

Exception		(2) Subsections 38(2) to (4) do not apply in respect of amendments in relation to matters referred to in subsection (1).
Amendment of provisions relating to some but not all provinces	43.	<p>An amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces, including</p> <p>(a) any alteration to boundaries between provinces, and</p> <p>(b) any amendment to any provision that relates to the use of the English or the French language within a province,</p> <p>may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies.</p>
Amendments by Parliament	44.	Subject to sections 41 and 42, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.
Amendments by provincial legislatures	45.	Subject to section 41, the legislature of each province may exclusively make laws amending the constitution of the province.
Initiation of amendment procedures	46.	(1) The procedures for amendment under sections 38, 41, 42 and 43 may be initiated either by the Senate or the House of Commons or by the legislative assembly of a province.
Revocation of authorization		(2) A resolution of assent made for the purposes of this Part may be revoked at any time before the issue of a proclamation authorized by it.
Amendments without Senate resolution	47.	(1) An amendment to the Constitution of Canada made by proclamation under section 38, 41, 42 or 43 may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the adoption by the House of Commons of a resolution authorizing its issue, the Senate has not adopted such a resolution and if, at any time after the expiration of that period, the House of Commons again adopts the resolution.
Computation of period		(2) Any period when Parliament is prorogued or dissolved shall not be counted in computing the one hundred and eighty day period referred to in subsection (1).

- Advice to issue proclamation** 48. The Queen's Privy Council for Canada shall advise the Governor General to issue a proclamation under this Part forthwith on the adoption of the resolutions required for an amendment made by proclamation under this Part.
- Constitutional conference** 49. A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada within fifteen years after this Part comes into force to review the provisions of this Part.

**PART VI
AMENDMENT TO THE CONSTITUTION ACT, 1867**

50. (100)

51. (101)

**PART VII
GENERAL**

- Primacy of Constitution of Canada** 52. (1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.
- Constitution of Canada** (2) The Constitution of Canada includes
- (a) the *Canada Act 1982*, including this Act;
- (b) the Acts and orders referred to in the schedule; and
- (c) any amendment to any Act or order referred to in paragraph (a) or (b).
- Amendments to Constitution of Canada** (3) Amendments to the Constitution of Canada shall be made only in accordance with the authority contained in the Constitution of Canada.
- Repeals and new names** 53. (1) The enactments referred to in Column I of the schedule are hereby repealed or amended to the extent indicated in Column II thereof and, unless repealed, shall continue as law in Canada under the names set out in Column III thereof.

Consequential amendments		(2) Every enactment, except the <i>Canada Act 1982</i> , that refers to an enactment referred to in the schedule by the name in Column I thereof is hereby amended by substituting for that name the corresponding name in Column III thereof, and any British North America Act not referred to in the schedule may be cited as the <i>Constitution Act</i> followed by the year and number, if any, of its enactment.
Repeal and consequential amendments	54.	Part IV is repealed on the day that is one year after this Part comes into force and this section may be repealed and this Act renumbered, consequentially upon the repeal of Part IV and this section, by proclamation issued by the Governor General under the Great Seal of Canada. ⁽¹⁰²⁾
[Repealed]	54.1	⁽¹⁰³⁾
French version of Constitution of Canada	55.	A French version of the portions of the Constitution of Canada referred to in the schedule shall be prepared by the Minister of Justice of Canada as expeditiously as possible and, when any portion thereof sufficient to warrant action being taken has been so prepared, it shall be put forward for enactment by proclamation issued by the Governor General under the Great Seal of Canada pursuant to the procedure then applicable to an amendment of the same provisions of the Constitution of Canada.
English and French versions of certain constitutional texts	56.	Where any portion of the Constitution of Canada has been or is enacted in English and French or where a French version of any portion of the Constitution is enacted pursuant to section 55, the English and French versions of that portion of the Constitution are equally authoritative.
English and French versions of this Act	57.	The English and French versions of this Act are equally authoritative.
Commencement	58.	Subject to section 59, this Act shall come into force on a day to be fixed by proclamation issued by the Queen or the Governor General under the Great Seal of Canada. ⁽¹⁰⁴⁾
Commencement of paragraph 23(1)(a) in respect of Quebec	59.	(1) Paragraph 23(1)(a) shall come into force in respect of Quebec on a day to be fixed by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.
Authorization of Quebec		(2) A proclamation under subsection (1) shall be issued only where authorized by the legislative assembly or government of Quebec. ⁽¹⁰⁵⁾
Repeal of this section		(3) This section may be repealed on the day paragraph 23(1)(a) comes into force in respect of Quebec and this Act amended and renumbered, consequentially upon the repeal of this section, by proclamation issued by the Queen or the Governor General under

the Great Seal of Canada.

Short title and citations

- 60.** This Act may be cited as the *Constitution Act, 1982*, and the Constitution Acts 1867 to 1975 (No. 2) and this Act may be cited together as the *Constitution Acts, 1867 to 1982*.

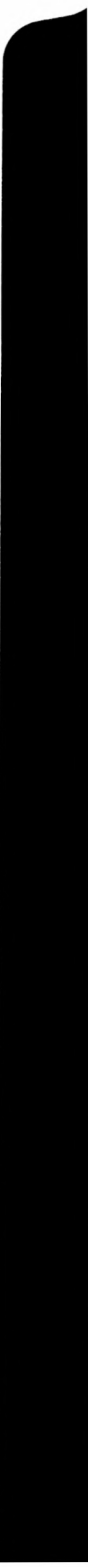
References

- 61.** A reference to the "*Constitution Acts, 1867 to 1982*" shall be deemed to include a reference to the "*Constitution Amendment Proclamation, 1983*". ⁽¹⁰⁶⁾

Schedule to the Constitution Act, 1982
Modernization of the Constitution



B



*Labrador Inuit Land Claims
Agreement Act*



SNL2004 CHAPTER L-3.1

**LABRADOR INUIT LAND CLAIMS
AGREEMENT ACT
[To be Proclaimed]**

Amended:

CHAPTER L-3.1

**AN ACT TO RATIFY AND GIVE THE FORCE OF LAW TO THE LABRADOR INUIT
LAND CLAIMS AGREEMENT**

Analysis

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- PART I
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- 36. Forestry Act
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- 40. Human Rights Code
- 41. Income and Employment Support Act
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- 43. Judgment Enforcement Act
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- 45. Limitations Act
- 46. Liquor Control Act
- 47. Mechanics' Lien Act
- 48. Mineral Act
- 49. Mineral Holdings Impost Act
- 50. Motorized Snow Vehicles and All-Terrain Vehicles Act
- 51. Municipalities Act, 1999
- 52. National Parks Lands Act
- 53. Neglected Adults Welfare Act
- 54. Petroleum and Natural Gas Act
- 55. Provincial Parks Act
- 56. Public Service Commission Act
- 57. Public Tender Act
- 58. Public Utilities Act

59. Public Utilities Acquisition of Lands Act

60. Quarry Materials Act, 1998

61. Quieting of Titles Act

62. Schools Act, 1997

63. Solemnization of Marriage Act

64. Support Orders Enforcement Act

65. Urban and Rural Planning Act, 2000

66. Water Resources Act

67. Wild Life Act

68. Wilderness and Ecological Reserves Act

69. Wills Act

PART III
COMMENCEMENT

70. Commencement

Schedule

WHEREAS the *Constitution Act, 1982* (Canada) recognizes and affirms the aboriginal and treaty rights of the aboriginal peoples of Canada ;

AND WHEREAS the Inuit of Labrador are an aboriginal people of Canada ;

AND WHEREAS the Inuit of Labrador claim aboriginal rights in and to the Labrador Inuit Land Claims Area based on their traditional and current use and occupancy of the lands, water and sea ice of the Labrador Inuit Land Claims Area in accordance with their own customs and traditions;

AND WHEREAS the Inuit of Labrador as represented by the Labrador Inuit Association, Her Majesty the Queen in right of Newfoundland and Labrador and Her Majesty the Queen in right of Canada have negotiated the Labrador Inuit Land Claims Agreement in order to define and achieve certainty with respect to their respective rights and powers in relation to the aboriginal rights claimed by the Inuit of Labrador;

AND WHEREAS the Inuit of Labrador have ratified the Labrador Inuit Land Claims Agreement in accordance with its terms;

AND WHEREAS the Labrador Inuit Land Claims Agreement requires that legislation be enacted by the province to ratify the Labrador Inuit Land Claims Agreement;

THEREFORE BE IT ENACTED by the *Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:*

Short title

1. This Act may be cited as the *Labrador Inuit Land Claims Agreement Act* .

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Definitions

2. (1) In this Act, "Labrador Inuit Land Claims Agreement" means the Labrador Inuit Land Claims Agreement signed on behalf of the Inuit of Labrador as represented by the Labrador Inuit Association, Her Majesty the Queen in

right of Newfoundland and Labrador and Her Majesty the Queen in right of Canada as set out in the Schedule attached to this Act and includes amendments made to that Agreement.

(2) Unless the context indicates otherwise, a word or term used in this Act shall have the same meaning as that word or term as defined in the Labrador Inuit Land Claims Agreement.

PART I LABRADOR INUIT LAND CLAIMS AGREEMENT

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Status of Agreement

3. (1) The Labrador Inuit Land Claims Agreement is a treaty and a land claims agreement within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.

(2) The Labrador Inuit Land Claims Agreement is ratified, given effect, declared valid and has the force of law.

(3) A reference in an Act or regulation of the province to a definition, provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall be considered to include a reference to a definition, provision, term or condition of the Labrador Inuit Land Claims Agreement.

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Board powers and rights

4. A board established under the Labrador Inuit Land Claims Agreement has the powers, rights, privileges and benefits conferred on that board and its members under the Labrador Inuit Land Claims Agreement and shall perform the duties and is subject to the liabilities imposed under that Agreement.

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Conflict

5. (1) In the event of an inconsistency or conflict between the Labrador Inuit Land Claims Agreement and another law of the province, the Labrador Inuit Land Claims Agreement prevails.

(2) In the event of an inconsistency or conflict between this Act and another law of the province, this Act prevails.

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Authorization to sign

6. (1) The Lieutenant-Governor in Council may authorize a minister to sign the Labrador Inuit Land Claims Agreement.

(2) The Lieutenant-Governor in Council may authorize a Minister to enter into an agreement that is contemplated by the Labrador Inuit Land Claims Agreement.

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Ownership of land

7. (1) The Inuit own the estate in fee simple in Labrador Inuit Lands, subject to the terms set out in the Labrador Inuit Land Claims Agreement.

(2) A person's interest in Labrador Inuit Lands other than the estate in Labrador Inuit Lands referred to in subsection (1) is, except where otherwise provided under the Labrador Inuit Land Claims Agreement, extinguished.

(3) A person whose interest has been extinguished under subsection (2) shall not bring an action to enforce or otherwise claim compensation in respect of that claim following the expiration of one year after the coming into force of this Act.

(4) The minister responsible for the administration of this Act under the *Executive Council Act* shall cause a certified copy of the description of the Labrador Inuit Lands and of the Map Atlas to be deposited with the Crown Lands Administration Division as defined under the *Lands Act*.

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Payment obligations

8. Subject to the *Financial Administration Act*, the Minister of Finance may, from money voted by the Legislature for the purpose, make payments as required that arise out of obligations of the government of the province under or in relation to the Labrador Inuit Land Claims Agreement.

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Judicial notice and evidence of law

9. (1) Judicial notice shall be taken of Inuit Laws and Bylaws.

(2) A copy of an Inuit Law or Bylaw purporting to be deposited in a public registry as required under the Labrador Inuit Land Claims Agreement is evidence of that Inuit Law or Bylaw and of its contents unless the contrary is shown.

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Statutes and Subordinate Legislation Act

10. An Inuit Law or Bylaw shall not be considered to be subordinate legislation within the meaning of the *Statutes and Subordinate Legislation Act*.

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Orders and regulations

11. The Lieutenant-Governor in Council may make orders and regulations for the purpose of carrying out a provision of this Act or of the Labrador Inuit Land Claims Agreement.

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Notice

12. (1) Where, in a judicial or administrative proceeding, an issue arises with respect to the

- (a) interpretation or validity of the Labrador Inuit Land Claims Agreement; or
- (b) validity or applicability of this Act or an Inuit Law or Bylaw,

the issue shall not be decided until the party to the proceeding raising the issue has properly served notice on the Attorney General for the province, the Attorney General of Canada and the Nunatsiavut Government.

(2) The notice required under subsection (1) shall

- (a) describe the judicial or administrative proceeding in which the issue arises;
- (b) state whether the issue arises in respect of the matters referred to in paragraph (1)(a) or (b) or in both;
- (c) state the day on which the issue is to be argued;
- (d) give particulars necessary to show the point to be argued; and
- (e) be served at least 14 days before the day of argument unless the court or tribunal considering the matter authorizes a shorter notice period.

(3) In a judicial or administrative proceeding to which subsection (1) applies, the Attorney General of the province, the Attorney General of Canada and the Nunatsiavut Government may appear and participate in the proceeding as parties with the same rights as any other party to the proceeding.

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Chapter 22 validity

13. Chapter 22 of the Labrador Inuit Land Claims Agreement as implemented before the Effective Date shall be considered to be valid and have the force of law on and after August 29, 2003 and the Ratification Committee shall be considered to have been validly established under that chapter and have all the powers and authority provided to it under the Labrador Inuit Land Claims Agreement on and after that date.

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Crown bound

14. (1) This Act binds the Crown to the extent necessary to give effect to the provisions of the Labrador Inuit Land Claims Agreement that apply to the Crown.

(2) Subsection (1) shall not be interpreted to mean that Inuit Laws and Bylaws bind the Crown.

PART II CONSEQUENTIAL AMENDMENTS

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SNL1999 cA-2.1 as amended

15. Section 3 of the *Adoption Act* is amended by adding immediately after subsection (2) the following:

(3) Notwithstanding subsections (1) and (2), this Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

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RSNL1990 cA-13 as amended

16. The *Aquaculture Act* is amended by adding immediately after section 3 the following:

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Labrador Inuit rights

3.1 (1) This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act, the minister issues an aquaculture licence he or she may add to that licence term and conditions that the licensee must comply with in order to ensure compliance with the terms and conditions of the *Labrador Inuit Land Claims Agreement Act*.

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RSNL1990 cA-16
as amended

17. The *Archives Act* is amended by adding immediately after section 17 the following:

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Labrador Inuit rights

18. This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cC-11

18. The *Chattels Real Act* is amended by adding immediately after section 5 the following:

Labrador Inuit rights

6. This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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SNL1998 cC-11.1
as amended

19. The *Child Care Services Act* is amended by adding immediately after section 3 the following:

Labrador Inuit rights

3.1 (1) This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act or regulations made under this Act, a director issues a licence he or she may add to that licence terms and conditions that the licensee must comply with in order to ensure compliance with the terms and conditions of the *Labrador Inuit Land Claims Agreement Act*.

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SNL1998 cC-12.1
as amended

20. The *Child, Youth and Family Services Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

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RSNL1990 cC-13
as amended

21. The *Children's Law Act* is amended by adding immediately after section 5 the following:

Labrador Inuit rights

5.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cC-34
as amended

22. The *Conveyancing Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cC-43
as amended

23. Section 7 of the *Crown Royalties Act* is amended by renumbering it as subsection 7(1) and by adding immediately after that subsection the following:

(2) This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act*

and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cD-21

24. The *Detention of Intoxicated Persons Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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SNL1994 cE-5.1

as amended

25. The *Electrical Power Control Act, 1994* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 (1) This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act the public utilities board issues a licence, the public utilities board may add to that licence terms and conditions that the licensee must comply with in order to ensure compliance with the terms and conditions of the *Labrador Inuit Land Claims Agreement Act*.

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RSNL1990 cE-8

as amended

26. Section 22 of the *Emergency Measures Act* is amended by renumbering it as subsection 22(1) and by adding immediately after that subsection the following:

(2) Notwithstanding subsection (1), this Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulation made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

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SNL2001 cE-10.1

27. The *Endangered Species Act* is amended by adding immediately after section 5 the following:

Labrador Inuit rights

5.1 This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

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SNL2002 cE-14.2

28. (1) Section 4 of the *Environmental Protection Act* is amended by adding immediately after subsection (4) the following:

(5) Notwithstanding subsections (1) to (4), this Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) The Act is amended by adding immediately after section 4 the following:

Terms added to approvals, licences etc.

4.1 Where, under this Act, the minister issues an approval, licence or other authorization the minister may add to that approval, licence or other authorization terms and conditions that the holder of the approval, licence or authorization is required to comply with in order to ensure compliance with the terms and conditions of the *Labrador Inuit Land Claims Agreement Act*.

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SNL1995 cE-16.1

as amended

29. Section 10 of the *Executive Council Act* is amended by renumbering it as subsection 10(1) and by adding immediately after that subsection the following:

(2) A minister may enter into an agreement with the Nunatsiavut government respecting matters for which an agreement is required under the *Labrador Inuit Land Claims Agreement Act*.

(3) In subsection (2), "Nunatsiavut government" means the Nunatsiavut Government as defined in the *Labrador Inuit Land Claims Agreement Act*.

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RSNL1990 cE-18

as amended

30. The *Exhumation Act* is amended by adding immediately after section 5 the following:

Labrador Inuit rights

6. This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cE-19
as amended

31. The *Expropriation Act* is amended by adding immediately after section 3 the following:

Labrador Inuit rights

3.1 Notwithstanding section 3, this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cF-2
as amended

32. The *Family Law Act* is amended by adding immediately after section 2 the following:

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Labrador Inuit rights

2.1 This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cF-3

33. The *Family Relief Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cF-8
as amended

34. Section 22 of the *Financial Administration Act* is amended by

- (a) deleting the word "and" at the end of the paragraph (e);
- (b) deleting the period at the end of paragraph (f) and substituting a semicolon and the word "and" and
- (c) adding immediately after paragraph (f) the following:

- (g) issues may be made in respect of obligations of Her Majesty in Right of the province arising under clauses 7.3.1 to 7.6.11, inclusive, of the Labrador Inuit Land Claims Agreement as defined in the *Labrador Inuit Land Claims Agreement Act* .

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RSNL1990 cF-12

as amended

- 35. The *Fish Inspection Act* is amended by adding immediately after section 2 the following:**

Labrador Inuit rights

2.1 (1) This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* , the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act or regulations made under this Act, the minister issues a licence he or she may add to that licence terms and conditions that the licensee must comply with in order to ensure compliance with the terms and conditions of the *Labrador Inuit Land Claims Agreement Act* .

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RSNL1990 cF-23

as amended

- 36. The *Forestry Act* is amended by adding immediately after section 3 the following:**

Labrador Inuit rights

3.1 (1) This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* , the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act or regulations made under this Act, the minister issues a permit or licence he or she may add to that permit or licence terms and conditions that the holder of the permit or licence must comply with in order to ensure compliance with the terms and conditions of the *Labrador Inuit Land Claims Agreement Act* .

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RSNL1990 cG-3

as amended

- 37. The *Geographical Names Board Act* is amended by adding immediately after section 8 the following:**

Labrador Inuit rights

9. Notwithstanding sections 5 to 8, this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* , the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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SNL1995 cP-37.1

as amended

38. The *Health and Community Services Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cH-4

as amended

39. The *Historic Resources Act* is amended by adding immediately after section 3 the following:

Labrador Inuit rights

3.1 (1) This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

(2) Where, under this Act or regulations made under this Act, the minister issues a permit he or she may add to that permit terms and conditions that the holder of the permit must comply with in order to ensure compliance with the terms and conditions of the *Labrador Inuit Land Claims Agreement Act*.

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RSNL1990 cH-14

as amended

40. (1) Section 4 of the *Human Rights Code* is amended by adding immediately after subsection (3) the following:

- (4) A provision of the
 - (a) Voisey's Bay Inuit Impacts and Benefits Agreement dated July 29, 2002, between
 - (i) Labrador Inuit Association, a corporation incorporated under the laws of Newfoundland and Labrador, and
 - (ii) Voisey's Bay Nickel Company Limited, a corporation incorporated under the laws of Newfoundland and Labrador, and
 - (iii) Inco Limited, a corporation incorporated under the laws of Canada; and
 - (b) Voisey's Bay Innu Impacts and Benefits Agreement dated July 29, 2002, between
 - (i) Innu Nation, a corporation incorporated under the laws of Canada, and
 - (ii) Voisey's Bay Nickel Company Limited, a corporation incorporated under the laws of Newfoundland and Labrador, and

(iii) Inco Limited, a corporation incorporated under the laws of Canada ,

by which preference respecting training, employment and contracting is given or agreed to be given to Inuit as defined under the agreement referred to in paragraph (a) or Innu as defined in the agreement referred to in paragraph (b) shall have effect notwithstanding this Act.

(5) Subsection (4) shall be considered to have come into force on July 29, 2002 .

(2) The Act is amended by adding immediately after section 5.1 the following:

Labrador Inuit rights

5.2 Notwithstanding section 5, this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* , the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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SNL2002 cI-0.1

41. The *Income and Employment Support Act* is amended by adding immediately after section 3 the following:

Labrador Inuit rights

3.1 This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* , the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

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RSNL1990 cI-21

42. The *Intestate Succession Act* is amended by adding immediately after section 3 the following:

Labrador Inuit rights

3.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* , the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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SNL1996 cJ-1.1

as amended

43. (1) The *Judgment Enforcement Act* is amended by adding immediately after section 3 the following:

Labrador Inuit rights

3.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* , the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*

shall have precedence over the provision of this Act.

(2) The Act is amended by adding immediately after section 109 the following:

Labrador Inuit lands exempt

109.1 (1) Notwithstanding subsection 101(1), a creditor with a money judgment shall not instruct the sheriff to sell lands that are Labrador Inuit Lands as defined in the *Labrador Inuit Land Claims Agreement Act* and the sheriff shall not carry out an enforcement proceeding against those lands.

(2) Subsection (1) does not apply to a statutory lien of the government of the province or of Canada upon Labrador Inuit Lands as defined in the *Labrador Inuit Land Claims Agreement Act*.

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SNL1991 c36
as amended

44. The *Lands Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 (1) This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act or regulations made under this Act, the minister issues or renews a lease, licence, easement or grant he or she may add to that lease, licence, easement or grant terms and conditions that the holder of the lease, licence, easement or grant must comply with in order to ensure compliance with the provisions, terms and conditions of the *Labrador Inuit Land Claims Agreement Act*.

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SNL1995 cL-16.1
as amended

45. The *Limitations Act* is amended by adding immediately after section 23 the following:

Labrador Inuit rights

23.1 Notwithstanding section 23, this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cL-18
as amended

46. (1) The *Liquor Control Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the

provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) The Act is amended by adding immediately after section 17 the following:

Appeal from Nunatsiuvut government decision

17.1 (1) Where a person is aggrieved by a decision of the Nunatsiuvut government relating to the denial of an application for an alcoholic beverage licence, the suspension or cancellation of an alcoholic beverage licence or a refusal or failure to renew an alcoholic beverage licence under the *Labrador Inuit Land Claims Agreement Act*, that person may appeal that decision to the board and the board shall hold a hearing at those times and places that the board considers most convenient and shall hear and consider relevant representations made by that person and the Nunatsiuvut government.

(2) In subsection (1), "Nunatsiuvut government" means the Nunatsiuvut Government as defined in the *Labrador Inuit Land Claims Agreement Act*.

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RSNL1990 cM-3 as amended

47. (1) The *Mechanics Lien Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

(2) Section 36 of the Act is amended by adding immediately after subsection (9) the following:

(10) Notwithstanding subsection (6) or another provision of this Act, an order shall not be made for the sale of lands that are Labrador Inuit Lands as defined in the *Labrador Inuit Land Claims Agreement Act*.

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RSNL1990 cM-12 as amended

48. The *Mineral Act* is amended by adding immediately after section 4 the following:

Labrador Inuit rights

4.1 (1) Notwithstanding section 4, this Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act or regulations made under this Act, the minister issues, extends or renews a licence, lease or approval he or she may add to that licence, lease or approval terms and conditions that the holder of the licence, lease or approval must comply with in order to ensure compliance with the provisions, terms and conditions of the *Labrador Inuit Land Claims Agreement Act*.

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RSNL1990 cM-14
as amended

49. The *Mineral Holdings Impost Act* is amended by adding after section 6 the following:

Labrador Inuit rights

6.1 This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

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RSNL1990 cM-20
as amended

50. The *Motorized Snow Vehicles and All-Terrain Vehicles Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

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SNL1999 cM-24
as amended

51. Section 3 of the *Municipalities Act, 1999* is amended by adding immediately after subsection (3) the following:

(4) Notwithstanding subsections (1), (2) and (3) and section 9 an Inuit Community shall cease to be considered to be a municipality under this Act on the first date upon which an Inuit Community Council for that Inuit Community takes office in accordance with the *Labrador Inuit Land Claims Agreement Act*.

(5) In subsection (4), "Inuit Community" means an Inuit Community as defined in the *Labrador Inuit Land Claims Agreement Act*.

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RSNL1990 cN-1
as amended

52. The *National Parks Lands Act* is amended by adding immediately after section 3 the following:

Labrador Inuit rights

4. This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cN-3
as amended

53. The *Neglected Adults Welfare Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cP-10
as amended

54. The *Petroleum and Natural Gas Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

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RSNL1990 cP-32
as amended

55. The *Provincial Parks Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cP-43
as amended

56. The *Public Service Commission Act* is amended by adding immediately after section 4 the following:

Labrador Inuit rights

4.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cP-45

as amended

57. The *Public Tender Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cP-47

as amended

58. The *Public Utilities Act* is amended by adding immediately after section 4.1 the following:

Labrador Inuit rights

4.2 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cP-48

59. The *Public Utilities Acquisition of Lands Act* is amended by adding immediately after section 9 the following:

Labrador Inuit rights

10. Notwithstanding sections 3 to 9, this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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SNL1998 cQ-1.1

60. The *Quarry Materials Act, 1998* is amended by adding immediately after section 3 the following:

Labrador Inuit rights

3.1 (1) This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act or regulations made under this Act, the minister issues a beach permit, lease,

permit or subordinate permit he or she may add to that beach permit, lease, permit or subordinate permit terms and conditions that the holder of the beach permit, lease, permit or subordinate permit must comply with in order to ensure compliance with the provisions, terms and conditions of the *Labrador Inuit Land Claims Agreement Act* .

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RSNL1990 cQ-3
as amended

**61. The *Quieting of Titles Act* is amended by adding immediately after section 3 the following:
Labrador Inuit rights**

3.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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SNL1997 cS-12.2
as amended

62. The *Schools Act, 1997* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act and regulations and orders made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act, regulation or order made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

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RSNL1990 cS-19
as amended

63. (1) The *Solemnization of Marriage Act* is amended by adding immediately after section 2 the following

Labrador Inuit rights

2.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Lands Claims Agreement Act* , the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

(2) The Act is amended by adding immediately after section 6 the following:

Inuit marriage

6.1 Notwithstanding sections 3, 4 and 5, a marriage solemnized in accordance with Inuit Laws and Bylaws made in accordance with the *Labrador Inuit Land Claims Agreement Act* shall be considered to be valid.

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RSNL1990 cS-31
as amended

64. The *Support Orders Enforcement Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

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SNL2000 cU-8
as amended

65. The *Urban and Rural Planning Act, 2000* is amended by adding immediately after section 3 the following:

Labrador Inuit rights

3.1 This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

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SNL2002 cW-4.01

66. The *Water Resources Act* is amended by adding immediately after section 2 the following:

Labrador Inuit rights

2.1 (1) This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act, the minister issues a permit or licence the minister may add to that permit or licence terms and conditions that the holder of the permit or licence is required to comply with in order to ensure compliance with the terms and conditions of the *Labrador Inuit Land Claims Agreement Act*.

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RSNL1990 cW-8
as amended

67. The *Wild Life Act* is amended by adding immediately after section 3 the following:

Labrador Inuit rights

3.1 (1) This Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the

provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

(2) Where, under this Act or regulations made under this Act, the minister issues a licence, he or she may add to that licence terms and conditions that the holder of the licence must comply with in order to ensure compliance with the provisions, terms and conditions of the *Labrador Inuit Land Claims Agreement Act*.

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RSNL1990 cW-9
as amended

68. The *Wilderness and Ecological Reserves Act* is amended by adding immediately after section 3 the following:

Labrador Inuit rights

3.1 Notwithstanding section 3, this Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

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RSNL1990 cW-10

69. The *Wills Act* is amended by adding immediately after section 21 the following:

Labrador Inuit rights

21.1 This Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act.

**PART III
COMMENCEMENT**

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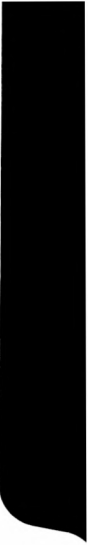
Commencement

70. This Act shall come into force on a date to be proclaimed by the Lieutenant-Governor in Council.

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Schedule

(See attachment)



C



Proposed Labrador Inuit Land Claims Agreement Act

Access to Information Act

Indian and Northern Affairs Canada

(b) in any other case, the person designated by order in council pursuant to this paragraph and for the purposes of this Act to be the head of that institution;

"Information Commissioner"
« *Commissaire à l'information* »

"Information Commissioner" means the Commissioner appointed under section 54;

"record" « *document* »

"record" includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape, machine readable record, and any other documentary material, regardless of physical form or characteristics, and any copy thereof;

"sensory disability"
« *déficience sensorielle* »

"sensory disability" means a disability that relates to sight or hearing;

"third party" « *tiers* »

"third party", in respect of a request for access to a record under this Act, means any person, group of persons or organization other than the person that made the request or a government institution.

R.S., 1985, c. A-1, s. 3; 1992, c. 21, s. 1; 2002, c. 8, s. 183.

ACCESS TO GOVERNMENT RECORDS

Right of Access

Right to access to records

4. (1) Subject to this Act, but notwithstanding any other Act of Parliament, every person who is

(a) a Canadian citizen, or

(b) a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*,

has a right to and shall, on request, be given access to any record under the control of a government institution.

Extension of right by order

(2) The Governor in Council may, by order, extend the right to be given access to records under subsection (1) to include persons not referred to in that subsection and may set such conditions as the Governor in Council deems appropriate.

Records produced from machine readable records

(3) For the purposes of this Act, any record requested under this Act that does not exist but can, subject to such limitations as may be prescribed by regulation, be produced from a machine readable record under the control of a government institution using computer hardware and software and technical expertise normally used by the government institution shall be deemed to be a record under the control of the government institution.

R.S., 1985, c. A-1, s. 4; 1992, c. 1, s. 144(F); 2001, c. 27, s. 202.

Information about Government Institutions

Publication on government institutions

5. (1) The designated Minister shall cause to be published, on a periodic basis not less frequently than once each year, a publication containing

(a) a description of the organization and responsibilities of each government institution, including details on the programs and functions of each division or branch of each government institution;

(b) a description of all classes of records under the control of each government institution in sufficient detail to facilitate the exercise of the right of access under this Act;

(c) a description of all manuals used by employees of each government institution in administering or carrying out any of the programs or activities of the government institution; and

(d) the title and address of the appropriate officer for each government institution to whom requests for access to records under this Act should be sent.

Bulletin

(2) The designated Minister shall cause to be published, at least twice each year, a bulletin to bring the material contained in the publication published under subsection (1) up to date and to provide to the public other useful information relating to the operation of this Act.

Descriptions in publication and bulletins

(3) Any description that is required to be included in the publication or bulletins published under subsection (1) or (2) may be formulated in such a manner that the description does not itself constitute information on the basis of which the head of a government institution would be authorized to refuse to disclose a part of a record requested under this Act.

Publication and bulletin to be made available

(4) The designated Minister shall cause the publication referred to in subsection (1) and the bulletin referred to in subsection (2) to be made available throughout Canada in conformity with the principle that every person is entitled to reasonable access thereto.

1980-81-82-83, c. 111, Sch. I "5".

Requests for Access

Request for access to record

6. A request for access to a record under this Act shall be made in writing to the government institution that has control of the record and shall provide sufficient detail to enable an experienced employee of the institution with a reasonable effort to identify the record.

1980-81-82-83, c. 111, Sch. I "6".

Notice where access requested

7. Where access to a record is requested under this Act, the head of the government institution to which the request is made shall, subject to sections 8, 9 and 11, within thirty days after the request is received,

(a) give written notice to the person who made the request as to whether or not access to the record or a part thereof will be given; and

(b) if access is to be given, give the person who made the request access to the record or part thereof.

1980-81-82-83, c. 111, Sch. I "7".

Transfer of request

8. (1) Where a government institution receives a request for access to a record under this Act and the head of the institution considers that another government

institution has a greater interest in the record, the head of the institution may, subject to such conditions as may be prescribed by regulation, within fifteen days after the request is received, transfer the request and, if necessary, the record to the other government institution, in which case the head of the institution transferring the request shall give written notice of the transfer to the person who made the request.

Deeming provision

(2) For the purposes of section 7, where a request is transferred under subsection (1), the request shall be deemed to have been made to the government institution to which it was transferred on the day the government institution to which the request was originally made received it.

Meaning of greater interest

(3) For the purpose of subsection (1), a government institution has a greater interest in a record if

(a) the record was originally produced in or for the institution; or

(b) in the case of a record not originally produced in or for a government institution, the institution was the first government institution to receive the record or a copy thereof.

1980-81-82-83, c. 111, Sch. I "8".

Extension of time limits

9. (1) The head of a government institution may extend the time limit set out in section 7 or subsection 8(1) in respect of a request under this Act for a reasonable period of time, having regard to the circumstances, if

(a) the request is for a large number of records or necessitates a search through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the government institution,

(b) consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit, or

(c) notice of the request is given pursuant to subsection 27(1)

by giving notice of the extension and, in the circumstances set out in paragraph (a) or (b), the length of the extension, to the person who made the request within thirty days after the request is received, which notice shall contain a statement that the person has a right to make a complaint to the Information Commissioner about the extension.

Notice of extension to Information Commissioner

(2) Where the head of a government institution extends a time limit under subsection (1) for more than thirty days, the head of the institution shall give notice of the extension to the Information Commissioner at the same time as notice is given under subsection (1).

1980-81-82-83, c. 111, Sch. I "9".

Where access is refused

10. (1) Where the head of a government institution refuses to give access to a record requested under this Act or a part thereof, the head of the institution shall state in the notice given under paragraph 7(a)

(a) that the record does not exist, or

(b) the specific provision of this Act on which the refusal was based or, where the head of the institution does not indicate whether a record exists, the

provision on which a refusal could reasonably be expected to be based if the record existed,

and shall state in the notice that the person who made the request has a right to make a complaint to the Information Commissioner about the refusal.

Existence of a record not required to be disclosed

(2) The head of a government institution may but is not required to indicate under subsection (1) whether a record exists.

Deemed refusal to give access

(3) Where the head of a government institution fails to give access to a record requested under this Act or a part thereof within the time limits set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access.

1980-81-82-83, c. 111, Sch. I "10".

Fees

11. (1) Subject to this section, a person who makes a request for access to a record under this Act may be required to pay

(a) at the time the request is made, such application fee, not exceeding twenty-five dollars, as may be prescribed by regulation;

(b) before any copies are made, such fee as may be prescribed by regulation reflecting the cost of reproduction calculated in the manner prescribed by regulation; and

(c) before the record is converted into an alternative format or any copies are made in that format, such fee as may be prescribed by regulation reflecting the cost of the medium in which the alternative format is produced.

Additional payment

(2) The head of a government institution to which a request for access to a record is made under this Act may require, in addition to the fee payable under paragraph (1)(a), payment of an amount, calculated in the manner prescribed by regulation, for every hour in excess of five hours that is reasonably required to search for the record or prepare any part of it for disclosure, and may require that the payment be made before access to the record is given.

Where a record is produced from a machine readable record

(3) Where a record requested under this Act is produced as a result of the request from a machine readable record under the control of a government institution, the head of the institution may require payment of an amount calculated in the manner prescribed by regulation.

Deposit

(4) Where the head of a government institution requires payment of an amount under subsection (2) or (3) in respect of a request for a record, the head of the institution may require that a reasonable proportion of that amount be paid as a deposit before the search or production of the record is undertaken or the part of the record is prepared for disclosure.

Notice

(5) Where the head of a government institution requires a person to pay an amount under this section, the head of the institution shall

(a) give written notice to the person of the amount required; and

(b) state in the notice that the person has a right to make a complaint to the Information Commissioner about the amount required.

Waiver

(6) The head of a government institution to which a request for access to a record is made under this Act may waive the requirement to pay a fee or other

amount or a part thereof under this section or may refund a fee or other amount or a part thereof paid under this section.

R.S., 1985, c. A-1, s. 11; 1992, c. 21, s. 2.

Access

Access to record

12. (1) A person who is given access to a record or a part thereof under this Act shall, subject to the regulations, be given an opportunity to examine the record or part thereof or be given a copy thereof.

Language of access

(2) Where access to a record or a part thereof is to be given under this Act and the person to whom access is to be given requests that access be given in a particular official language, a copy of the record or part thereof shall be given to the person in that language

(a) forthwith, if the record or part thereof already exists under the control of a government institution in that language; or

(b) within a reasonable period of time, if the head of the government institution that has control of the record considers it to be in the public interest to cause a translation to be prepared.

Access to record in alternative format

(3) Where access to a record or a part thereof is to be given under this Act and the person to whom access is to be given has a sensory disability and requests that access be given in an alternative format, a copy of the record or part thereof shall be given to the person in an alternative format

(a) forthwith, if the record or part thereof already exists under the control of a government institution in an alternative format that is acceptable to that person; or

(b) within a reasonable period of time, if the head of the government institution that has control of the record considers the giving of access in an alternative format to be necessary to enable the person to exercise the person's right of access under this Act and considers it reasonable to cause that record or part thereof to be converted.

R.S., 1985, c. A-1, s. 12; R.S., 1985, c. 31 (4th Supp.), s. 100(E); 1992, c. 21, s. 3.

EXEMPTIONS

Responsibilities of Government

Information obtained in confidence

13. (1) Subject to subsection (2), the head of a government institution shall refuse to disclose any record requested under this Act that contains information that was obtained in confidence from

(a) the government of a foreign state or an institution thereof;

(b) an international organization of states or an institution thereof;

(c) the government of a province or an institution thereof;

(d) a municipal or regional government established by or pursuant to an Act of

the legislature of a province or an institution of such a government; or

(e) an aboriginal government.

Where disclosure
authorized

(2) The head of a government institution may disclose any record requested under this Act that contains information described in subsection (1) if the government, organization or institution from which the information was obtained

(a) consents to the disclosure; or

(b) makes the information public.

Definition of
"aboriginal
government"

(3) The expression "aboriginal government" in paragraph (1)(e) means Nisga'a Government, as defined in the Nisga'a Final Agreement given effect by the *Nisga'a Final Agreement Act*.

R.S., 1985, c. A-1, s. 13; 2000, c. 7, s. 21.

Federal-provincial
affairs

14. The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct by the Government of Canada of federal-provincial affairs, including, without restricting the generality of the foregoing, any such information

(a) on federal-provincial consultations or deliberations; or

(b) on strategy or tactics adopted or to be adopted by the Government of Canada relating to the conduct of federal-provincial affairs.

1980-81-82-83, c. 111, Sch. I "14".

International affairs
and defence

15. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive or hostile activities, including, without restricting the generality of the foregoing, any such information

(a) relating to military tactics or strategy, or relating to military exercises or operations undertaken in preparation for hostilities or in connection with the detection, prevention or suppression of subversive or hostile activities;

(b) relating to the quantity, characteristics, capabilities or deployment of weapons or other defence equipment or of anything being designed, developed, produced or considered for use as weapons or other defence equipment;

(c) relating to the characteristics, capabilities, performance, potential, deployment, functions or role of any defence establishment, of any military force, unit or personnel or of any organization or person responsible for the detection, prevention or suppression of subversive or hostile activities;

(d) obtained or prepared for the purpose of intelligence relating to

(i) the defence of Canada or any state allied or associated with Canada, or

(ii) the detection, prevention or suppression of subversive or hostile activities;

(e) obtained or prepared for the purpose of intelligence respecting foreign states, international organizations of states or citizens of foreign states used by the Government of Canada in the process of deliberation and consultation or in the conduct of international affairs;

(f) on methods of, and scientific or technical equipment for, collecting, assessing or handling information referred to in paragraph (d) or (e) or on sources of such information;

(g) on the positions adopted or to be adopted by the Government of Canada, governments of foreign states or international organizations of states for the purpose of present or future international negotiations;

(h) that constitutes diplomatic correspondence exchanged with foreign states or international organizations of states or official correspondence exchanged with Canadian diplomatic missions or consular posts abroad; or

(i) relating to the communications or cryptographic systems of Canada or foreign states used

(i) for the conduct of international affairs,

(ii) for the defence of Canada or any state allied or associated with Canada, or

(iii) in relation to the detection, prevention or suppression of subversive or hostile activities.

Definitions

"defence of Canada or any state allied or associated with Canada" «*défense du Canada ou d'États alliés ou associés avec le Canada*»

"subversive or hostile activities" «*activités hostiles ou subversives*»

(2) In this section,

"defence of Canada or any state allied or associated with Canada" includes the efforts of Canada and of foreign states toward the detection, prevention or suppression of activities of any foreign state directed toward actual or potential attack or other acts of aggression against Canada or any state allied or associated with Canada;

"subversive or hostile activities" means

(a) espionage against Canada or any state allied or associated with Canada,

(b) sabotage,

(c) activities directed toward the commission of terrorist acts, including hijacking, in or against Canada or foreign states,

(d) activities directed toward accomplishing government change within Canada or foreign states by the use of or the encouragement of the use of force, violence or any criminal means,

(e) activities directed toward gathering information used for intelligence purposes that relates to Canada or any state allied or associated with Canada, and

(f) activities directed toward threatening the safety of Canadians, employees

of the Government of Canada or property of the Government of Canada outside Canada.

1980-81-82-83, c. 111, Sch. I "15".

Law enforcement and investigations

16. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains

(a) information obtained or prepared by any government institution, or part of any government institution, that is an investigative body specified in the regulations in the course of lawful investigations pertaining to

(i) the detection, prevention or suppression of crime,

(ii) the enforcement of any law of Canada or a province, or

(iii) activities suspected of constituting threats to the security of Canada within the meaning of the *Canadian Security Intelligence Service Act*,

if the record came into existence less than twenty years prior to the request;

(b) information relating to investigative techniques or plans for specific lawful investigations;

(c) information the disclosure of which could reasonably be expected to be injurious to the enforcement of any law of Canada or a province or the conduct of lawful investigations, including, without restricting the generality of the foregoing, any such information

(i) relating to the existence or nature of a particular investigation,

(ii) that would reveal the identity of a confidential source of information, or

(iii) that was obtained or prepared in the course of an investigation; or

(d) information the disclosure of which could reasonably be expected to be injurious to the security of penal institutions.

Security

(2) The head of a government institution may refuse to disclose any record requested under this Act that contains information that could reasonably be expected to facilitate the commission of an offence, including, without restricting the generality of the foregoing, any such information

(a) on criminal methods or techniques;

(b) that is technical information relating to weapons or potential weapons; or

(c) on the vulnerability of particular buildings or other structures or systems, including computer or communication systems, or methods employed to protect such buildings or other structures or systems.

Policing services for provinces or municipalities

(3) The head of a government institution shall refuse to disclose any record requested under this Act that contains information that was obtained or prepared by the Royal Canadian Mounted Police while performing policing services for a province or municipality pursuant to an arrangement made under section 20 of the

Definition of
"investigation"

Royal Canadian Mounted Police Act, where the Government of Canada has, on the request of the province or municipality agreed not to disclose such information.

(4) For the purposes of paragraphs (1)(b) and (c), "investigation" means an investigation that

- (a) pertains to the administration or enforcement of an Act of Parliament;
- (b) is authorized by or pursuant to an Act of Parliament; or
- (c) is within a class of investigations specified in the regulations.

1980-81-82-83, c. 111, Sch. I "16"; 1984, c. 21, s. 70.

Safety of individuals

17. The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to threaten the safety of individuals.

1980-81-82-83, c. 111, Sch. I "17".

Economic interests of
Canada

18. The head of a government institution may refuse to disclose any record requested under this Act that contains

- (a) trade secrets or financial, commercial, scientific or technical information that belongs to the Government of Canada or a government institution and has substantial value or is reasonably likely to have substantial value;
- (b) information the disclosure of which could reasonably be expected to prejudice the competitive position of a government institution;
- (c) scientific or technical information obtained through research by an officer or employee of a government institution, the disclosure of which could reasonably be expected to deprive the officer or employee of priority of publication; or
- (d) information the disclosure of which could reasonably be expected to be materially injurious to the financial interests of the Government of Canada or the ability of the Government of Canada to manage the economy of Canada or could reasonably be expected to result in an undue benefit to any person, including, without restricting the generality of the foregoing, any such information relating to

- (i) the currency, coinage or legal tender of Canada,
- (ii) a contemplated change in the rate of bank interest or in government borrowing,
- (iii) a contemplated change in tariff rates, taxes, duties or any other revenue source,
- (iv) a contemplated change in the conditions of operation of financial institutions,
- (v) a contemplated sale or purchase of securities or of foreign or Canadian currency, or

(vi) a contemplated sale or acquisition of land or property.

1980-81-82-83, c. 111, Sch. I "18".

Personal Information

Personal information

19. (1) Subject to subsection (2), the head of a government institution shall refuse to disclose any record requested under this Act that contains personal information as defined in section 3 of the *Privacy Act*.

Where disclosure authorized

(2) The head of a government institution may disclose any record requested under this Act that contains personal information if

(a) the individual to whom it relates consents to the disclosure;

(b) the information is publicly available; or

(c) the disclosure is in accordance with section 8 of the *Privacy Act*.

1980-81-82-83, c. 111, Sch. I "19".

Third Party Information

Third party information

20. (1) Subject to this section, the head of a government institution shall refuse to disclose any record requested under this Act that contains

(a) trade secrets of a third party;

(b) financial, commercial, scientific or technical information that is confidential information supplied to a government institution by a third party and is treated consistently in a confidential manner by the third party;

(c) information the disclosure of which could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, a third party; or

(d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party.

Product or environmental testing

(2) The head of a government institution shall not, pursuant to subsection (1), refuse to disclose a part of a record if that part contains the results of product or environmental testing carried out by or on behalf of a government institution unless the testing was done as a service to a person, a group of persons or an organization other than a government institution and for a fee.

Methods used in testing

(3) Where the head of a government institution discloses a record requested under this Act, or a part thereof, that contains the results of product or environmental testing, the head of the institution shall at the same time as the record or part thereof is disclosed provide the person who requested the record with a written explanation of the methods used in conducting the tests.

Preliminary testing

(4) For the purposes of this section, the results of product or environmental testing do not include the results of preliminary testing conducted for the purpose of developing methods of testing.

Disclosure if a supplier consents

(5) The head of a government institution may disclose any record that contains

information described in subsection (1) with the consent of the third party to whom the information relates.

Disclosure authorized
if in public interest

(6) The head of a government institution may disclose any record requested under this Act, or any part thereof, that contains information described in paragraph (1)(b), (c) or (d) if that disclosure would be in the public interest as it relates to public health, public safety or protection of the environment and, if the public interest in disclosure clearly outweighs in importance any financial loss or gain to, prejudice to the competitive position of or interference with contractual or other negotiations of a third party.

1980-81-82-83, c. 111, Sch. I "20".

Operations of Government

Advice, etc.

21. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains

(a) advice or recommendations developed by or for a government institution or a minister of the Crown,

(b) an account of consultations or deliberations involving officers or employees of a government institution, a minister of the Crown or the staff of a minister of the Crown,

(c) positions or plans developed for the purpose of negotiations carried on or to be carried on by or on behalf of the Government of Canada and considerations relating thereto, or

(d) plans relating to the management of personnel or the administration of a government institution that have not yet been put into operation,

if the record came into existence less than twenty years prior to the request.

Exercise of a
discretionary power or
an adjudicative
function

(2) Subsection (1) does not apply in respect of a record that contains

(a) an account of, or a statement of reasons for, a decision that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of a person; or

(b) a report prepared by a consultant or an adviser who was not, at the time the report was prepared, an officer or employee of a government institution or a member of the staff of a minister of the Crown.

1980-81-82-83, c. 111, Sch. I "21".

Testing procedures,
tests and audits

22. The head of a government institution may refuse to disclose any record requested under this Act that contains information relating to testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted if the disclosure would prejudice the use or results of particular tests or audits.

1980-81-82-83, c. 111, Sch. I "22".

Solicitor-client
privilege

23. The head of a government institution may refuse to disclose any record requested under this Act that contains information that is subject to solicitor-client

privilege.

1980-81-82-83, c. 111, Sch. I "23".

Statutory Prohibitions

Statutory prohibitions
against disclosure

24. (1) The head of a government institution shall refuse to disclose any record requested under this Act that contains information the disclosure of which is restricted by or pursuant to any provision set out in Schedule II.

Review of statutory
prohibitions by
Parliamentary
committee

(2) Such committee as may be designated or established under section 75 shall review every provision set out in Schedule II and shall, not later than July 1, 1986 or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting, cause a report to be laid before Parliament on whether and to what extent the provisions are necessary.

1980-81-82-83, c. 111, Sch. I "24".

Severability

25. Notwithstanding any other provision of this Act, where a request is made to a government institution for access to a record that the head of the institution is authorized to refuse to disclose under this Act by reason of information or other material contained in the record, the head of the institution shall disclose any part of the record that does not contain, and can reasonably be severed from any part that contains, any such information or material.

1980-81-82-83, c. 111, Sch. I "25".

Refusal of Access

Refusal of access
where information to
be published

26. The head of a government institution may refuse to disclose any record requested under this Act or any part thereof if the head of the institution believes on reasonable grounds that the material in the record or part thereof will be published by a government institution, agent of the Government of Canada or minister of the Crown within ninety days after the request is made or within such further period of time as may be necessary for printing or translating the material for the purpose of printing it.

1980-81-82-83, c. 111, Sch. I "26".

THIRD PARTY INTERVENTION

Notice to third parties

27. (1) Where the head of a government institution intends to disclose any record requested under this Act, or any part thereof, that contains or that the head of the institution has reason to believe might contain

(a) trade secrets of a third party,

(b) information described in paragraph 20(1)(b) that was supplied by a third party, or

(c) information the disclosure of which the head of the institution could reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of a third party,

the head of the institution shall, subject to subsection (2), if the third party can reasonably be located, within thirty days after the request is received, give written

notice to the third party of the request and of the fact that the head of the institution intends to disclose the record or part thereof.

Waiver of notice

(2) Any third party to whom a notice is required to be given under subsection (1) in respect of an intended disclosure may waive the requirement, and where the third party has consented to the disclosure the third party shall be deemed to have waived the requirement.

Contents of notice

(3) A notice given under subsection (1) shall include

(a) a statement that the head of the government institution giving the notice intends to release a record or a part thereof that might contain material or information described in subsection (1);

(b) a description of the contents of the record or part thereof that, as the case may be, belong to, were supplied by or relate to the third party to whom the notice is given; and

(c) a statement that the third party may, within twenty days after the notice is given, make representations to the head of the government institution that has control of the record as to why the record or part thereof should not be disclosed.

Extension of time limit

(4) The head of a government institution may extend the time limit set out in subsection (1) in respect of a request under this Act where the time limit set out in section 7 is extended under paragraph 9(1)(a) or (b) in respect of the same request, but any extension under this subsection shall be for a period no longer than the period of the extension under section 9.

1980-81-82-83, c. 111, Sch. I "28".

Representations of third party and decision

28. (1) Where a notice is given by the head of a government institution under subsection 27(1) to a third party in respect of a record or a part thereof,

(a) the third party shall, within twenty days after the notice is given, be given the opportunity to make representations to the head of the institution as to why the record or the part thereof should not be disclosed; and

(b) the head of the institution shall, within thirty days after the notice is given, if the third party has been given an opportunity to make representations under paragraph (a), make a decision as to whether or not to disclose the record or the part thereof and give written notice of the decision to the third party.

Representations to be made in writing

(2) Representations made by a third party under paragraph (1)(a) shall be made in writing unless the head of the government institution concerned waives that requirement, in which case they may be made orally.

Contents of notice of decision to disclose

(3) A notice given under paragraph (1)(b) of a decision to disclose a record requested under this Act or a part thereof shall include

(a) a statement that the third party to whom the notice is given is entitled to request a review of the decision under section 44 within twenty days after the notice is given; and

(b) a statement that the person who requested access to the record will be given access thereto or to the part thereof unless, within twenty days after the notice is given, a review of the decision is requested under section 44.

Disclosure of record

(4) Where, pursuant to paragraph (1)(b), the head of a government institution decides to disclose a record requested under this Act or a part thereof, the head of the institution shall give the person who made the request access to the record or the part thereof forthwith on completion of twenty days after a notice is given under that paragraph, unless a review of the decision is requested under section 44.

1980-81-82-83, c. 111, Sch. I "28".

Where the Information Commissioner recommends disclosure

29. (1) Where the head of a government institution decides, on the recommendation of the Information Commissioner made pursuant to subsection 37(1), to disclose a record requested under this Act or a part thereof, the head of the institution shall give written notice of the decision to

(a) the person who requested access to the record; and

(b) any third party that the head of the institution has notified under subsection 27(1) in respect of the request or would have notified under that subsection if the head of the institution had at the time of the request intended to disclose the record or part thereof.

Contents of notice

(2) A notice given under subsection (1) shall include

(a) a statement that any third party referred to in paragraph (1)(b) is entitled to request a review of the decision under section 44 within twenty days after the notice is given; and

(b) a statement that the person who requested access to the record will be given access thereto unless, within twenty days after the notice is given, a review of the decision is requested under section 44.

1980-81-82-83, c. 111, Sch. I "29".

COMPLAINTS

Receipt and investigation of complaints

30. (1) Subject to this Act, the Information Commissioner shall receive and investigate complaints

(a) from persons who have been refused access to a record requested under this Act or a part thereof;

(b) from persons who have been required to pay an amount under section 11 that they consider unreasonable;

(c) from persons who have requested access to records in respect of which time limits have been extended pursuant to section 9 where they consider the extension unreasonable;

(d) from persons who have not been given access to a record or a part thereof in the official language requested by the person under subsection 12(2), or have not been given access in that language within a period of time that they consider appropriate;

(d.1) from persons who have not been given access to a record or a part thereof in an alternative format pursuant to a request made under subsection 12(3), or have not been given such access within a period of time that they

consider appropriate;

(e) in respect of any publication or bulletin referred to in section 5; or

(f) in respect of any other matter relating to requesting or obtaining access to records under this Act.

Complaints submitted on behalf of complainants

(2) Nothing in this Act precludes the Information Commissioner from receiving and investigating complaints of a nature described in subsection (1) that are submitted by a person authorized by the complainant to act on behalf of the complainant, and a reference to a complainant in any other section includes a reference to a person so authorized.

Information Commissioner may initiate complaint

(3) Where the Information Commissioner is satisfied that there are reasonable grounds to investigate a matter relating to requesting or obtaining access to records under this Act, the Commissioner may initiate a complaint in respect thereof.

R.S., 1985, c. A-1, s. 30; 1992, c. 21, s. 4.

Written complaint

31. A complaint under this Act shall be made to the Information Commissioner in writing unless the Commissioner authorizes otherwise and shall, where the complaint relates to a request for access to a record, be made within one year from the time when the request for the record in respect of which the complaint is made was received.

1980-81-82-83, c. 111, Sch. I "31".

INVESTIGATIONS

Notice of intention to investigate

32. Before commencing an investigation of a complaint under this Act, the Information Commissioner shall notify the head of the government institution concerned of the intention to carry out the investigation and shall inform the head of the institution of the substance of the complaint.

1980-81-82-83, c. 111, Sch. I "32".

Notice to third parties

33. Where the head of a government institution refuses to disclose a record requested under this Act or a part thereof and receives a notice under section 32 of a complaint in respect of the refusal, the head of the institution shall forthwith advise the Information Commissioner of any third party that the head of the institution has notified under subsection 27(1) in respect of the request or would have notified under that subsection if the head of the institution had intended to disclose the record or part thereof.

1980-81-82-83, c. 111, Sch. I "33".

Regulation of procedure

34. Subject to this Act, the Information Commissioner may determine the procedure to be followed in the performance of any duty or function of the Commissioner under this Act.

1980-81-82-83, c. 111, Sch. I "34".

Investigations in private

35. (1) Every investigation of a complaint under this Act by the Information Commissioner shall be conducted in private.

Right to make representations

(2) In the course of an investigation of a complaint under this Act by the

Information Commissioner, a reasonable opportunity to make representations shall be given to

- (a) the person who made the complaint,
- (b) the head of the government institution concerned, and
- (c) where the Information Commissioner intends to recommend under subsection 37(1) that a record or a part thereof be disclosed that contains or that the Information Commissioner has reason to believe might contain
 - (i) trade secrets of a third party,
 - (ii) information described in paragraph 20(1)(b) that was supplied by a third party, or
 - (iii) information the disclosure of which the Information Commissioner could reasonably foresee might effect a result described in paragraph 20(1)(c) or (d) in respect of a third party,

the third party, if the third party can reasonably be located,

but no one is entitled as of right to be present during, to have access to or to comment on representations made to the Commissioner by any other person.

1980-81-82-83, c. 111, Sch. I "35".

Powers of Information
Commissioner in
carrying out
investigations

36. (1) The Information Commissioner has, in relation to the carrying out of the investigation of any complaint under this Act, power

- (a) to summon and enforce the appearance of persons before the Information Commissioner and compel them to give oral or written evidence on oath and to produce such documents and things as the Commissioner deems requisite to the full investigation and consideration of the complaint, in the same manner and to the same extent as a superior court of record;
- (b) to administer oaths;
- (c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the Information Commissioner sees fit, whether or not the evidence or information is or would be admissible in a court of law;
- (d) to enter any premises occupied by any government institution on satisfying any security requirements of the institution relating to the premises;
- (e) to converse in private with any person in any premises entered pursuant to paragraph (d) and otherwise carry out therein such inquiries within the authority of the Information Commissioner under this Act as the Commissioner sees fit; and
- (f) to examine or obtain copies of or extracts from books or other records found in any premises entered pursuant to paragraph (d) containing any matter relevant to the investigation.

Access to records

(2) Notwithstanding any other Act of Parliament or any privilege under the law

of evidence, the Information Commissioner may, during the investigation of any complaint under this Act, examine any record to which this Act applies that is under the control of a government institution, and no such record may be withheld from the Commissioner on any grounds.

Evidence in other proceedings

(3) Except in a prosecution of a person for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made under this Act, in a prosecution for an offence under this Act, or in a review before the Court under this Act or an appeal therefrom, evidence given by a person in proceedings under this Act and evidence of the existence of the proceedings is inadmissible against that person in a court or in any other proceedings.

Witness fees

(4) Any person summoned to appear before the Information Commissioner pursuant to this section is entitled in the discretion of the Commissioner to receive the like fees and allowances for so doing as if summoned to attend before the Federal Court.

Return of documents, etc.

(5) Any document or thing produced pursuant to this section by any person or government institution shall be returned by the Information Commissioner within ten days after a request is made to the Commissioner by that person or government institution, but nothing in this subsection precludes the Commissioner from again requiring its production in accordance with this section.

R.S., 1985, c. A-1, s. 36; R.S., 1985, c. 27 (1st Supp.), s. 187.

Findings and recommendations of Information Commissioner

37. (1) If, on investigating a complaint in respect of a record under this Act, the Information Commissioner finds that the complaint is well-founded, the Commissioner shall provide the head of the government institution that has control of the record with a report containing

(a) the findings of the investigation and any recommendations that the Commissioner considers appropriate; and

(b) where appropriate, a request that, within a time specified in the report, notice be given to the Commissioner of any action taken or proposed to be taken to implement the recommendations contained in the report or reasons why no such action has been or is proposed to be taken.

Report to complainant and third parties

(2) The Information Commissioner shall, after investigating a complaint under this Act, report to the complainant and any third party that was entitled under subsection 35(2) to make and that made representations to the Commissioner in respect of the complaint the results of the investigation, but where a notice has been requested under paragraph (1)(b) no report shall be made under this subsection until the expiration of the time within which the notice is to be given to the Commissioner.

Matter to be included in report to complainant

(3) Where a notice has been requested under paragraph (1)(b) but no such notice is received by the Commissioner within the time specified therefor or the action described in the notice is, in the opinion of the Commissioner, inadequate or inappropriate or will not be taken in a reasonable time, the Commissioner shall so advise the complainant in his report under subsection (2) and may include in the report such comments on the matter as he thinks fit.

Access to be given

(4) Where, pursuant to a request under paragraph (1)(b), the head of a government institution gives notice to the Information Commissioner that access to a record or a part thereof will be given to a complainant, the head of the institution shall give the complainant access to the record or part thereof

(a) forthwith on giving the notice if no notice is given to a third party under

paragraph 29(1)(b) in the matter; or

(b) forthwith on completion of twenty days after notice is given to a third party under paragraph 29(1)(b), if that notice is given, unless a review of the matter is requested under section 44.

Right of review

(5) Where, following the investigation of a complaint relating to a refusal to give access to a record requested under this Act or a part thereof, the head of a government institution does not give notice to the Information Commissioner that access to the record will be given, the Information Commissioner shall inform the complainant that the complainant has the right to apply to the Court for a review of the matter investigated.

1980-81-82-83, c. 111, Sch. I "37".

REPORTS TO PARLIAMENT

Annual report

38. The Information Commissioner shall, within three months after the termination of each financial year, submit an annual report to Parliament on the activities of the office during that financial year.

1980-81-82-83, c. 111, Sch. I "38".

Special reports

39. (1) The Information Commissioner may, at any time, make a special report to Parliament referring to and commenting on any matter within the scope of the powers, duties and functions of the Commissioner where, in the opinion of the Commissioner, the matter is of such urgency or importance that a report thereon should not be deferred until the time provided for transmission of the next annual report of the Commissioner under section 38.

Where investigation made

(2) Any report made pursuant to subsection (1) that relates to an investigation under this Act shall be made only after the procedures set out in section 37 have been followed in respect of the investigation.

1980-81-82-83, c. 111, Sch. I "39".

Transmission of reports

40. (1) Every report to Parliament made by the Information Commissioner under section 38 or 39 shall be made by being transmitted to the Speaker of the Senate and to the Speaker of the House of Commons for tabling in those Houses.

Reference to Parliamentary committee

(2) Every report referred to in subsection (1) shall, after it is transmitted for tabling pursuant to that subsection, be referred to the committee designated or established by Parliament for the purpose of subsection 75(1).

1980-81-82-83, c. 111, Sch. I "40".

REVIEW BY THE FEDERAL COURT

Review by Federal Court

41. Any person who has been refused access to a record requested under this Act or a part thereof may, if a complaint has been made to the Information Commissioner in respect of the refusal, apply to the Court for a review of the matter within forty-five days after the time the results of an investigation of the complaint by the Information Commissioner are reported to the complainant under subsection 37(2) or within such further time as the Court may, either before or after the expiration of those forty-five days, fix or allow.

1980-81-82-83, c. 111, Sch. I "41".

Information
Commissioner may
apply or appear

42. (1) The Information Commissioner may

(a) apply to the Court, within the time limits prescribed by section 41, for a review of any refusal to disclose a record requested under this Act or a part thereof in respect of which an investigation has been carried out by the Information Commissioner, if the Commissioner has the consent of the person who requested access to the record;

(b) appear before the Court on behalf of any person who has applied for a review under section 41; or

(c) with leave of the Court, appear as a party to any review applied for under section 41 or 44.

Applicant may appear
as party

(2) Where the Information Commissioner makes an application under paragraph (1)(a) for a review of a refusal to disclose a record requested under this Act or a part thereof, the person who requested access to the record may appear as a party to the review.

1980-81-82-83, c. 111, Sch. I "42".

Notice to third parties

43. (1) The head of a government institution who has refused to give access to a record requested under this Act or a part thereof shall forthwith on being given notice of any application made under section 41 or 42 give written notice of the application to any third party that the head of the institution has notified under subsection 27(1) in respect of the request or would have notified under that subsection if the head of the institution had intended to disclose the record or part thereof.

Third party may
appear as party

(2) Any third party that has been given notice of an application for a review under subsection (1) may appear as a party to the review.

R.S., 1985, c. A-1, s. 43; 1992, c. 1, s. 144(F).

Third party may apply
for a review

44. (1) Any third party to whom the head of a government institution is required under paragraph 28(1)(b) or subsection 29(1) to give a notice of a decision to disclose a record or a part thereof under this Act may, within twenty days after the notice is given, apply to the Court for a review of the matter.

Notice to person who
requested record

(2) The head of a government institution who has given notice under paragraph 28(1)(b) or subsection 29(1) that a record requested under this Act or a part thereof will be disclosed shall forthwith on being given notice of an application made under subsection (1) in respect of the disclosure give written notice of the application to the person who requested access to the record.

Person who requested
access may appear as
party

(3) Any person who has been given notice of an application for a review under subsection (2) may appear as a party to the review.

R.S., 1985, c. A-1, s. 44; R.S., 1985, c. 1 (4th Supp.), s. 45(F).

Hearing in summary
way

45. An application made under section 41, 42 or 44 shall be heard and determined in a summary way in accordance with any special rules made in respect of such applications pursuant to section 46 of the *Federal Courts Act*.

R.S., 1985, c. A-1, s. 45; 2002, c. 8, s. 182.

Access to records

46. Notwithstanding any other Act of Parliament or any privilege under the law

of evidence, the Court may, in the course of any proceedings before the Court arising from an application under section 41, 42 or 44, examine any record to which this Act applies that is under the control of a government institution, and no such record may be withheld from the Court on any grounds.

1980-81-82-83, c. 111, Sch. I "46".

Court to take precautions against disclosing

47. (1) In any proceedings before the Court arising from an application under section 41, 42 or 44, the Court shall take every reasonable precaution, including, when appropriate, receiving representations *ex parte* and conducting hearings *in camera*, to avoid the disclosure by the Court or any person of

(a) any information or other material on the basis of which the head of a government institution would be authorized to refuse to disclose a part of a record requested under this Act; or

(b) any information as to whether a record exists where the head of a government institution, in refusing to disclose the record under this Act, does not indicate whether it exists.

Disclosure of offence authorized

(2) The Court may disclose to the appropriate authority information relating to the commission of an offence against any law of Canada or a province on the part of any officer or employee of a government institution, if in the opinion of the Court there is evidence thereof.

1980-81-82-83, c. 111, Sch. I "47".

Burden of proof

48. In any proceedings before the Court arising from an application under section 41 or 42, the burden of establishing that the head of a government institution is authorized to refuse to disclose a record requested under this Act or a part thereof shall be on the government institution concerned.

1980-81-82-83, c. 111, Sch. I "48".

Order of Court where no authorization to refuse disclosure found

49. Where the head of a government institution refuses to disclose a record requested under this Act or a part thereof on the basis of a provision of this Act not referred to in section 50, the Court shall, if it determines that the head of the institution is not authorized to refuse to disclose the record or part thereof, order the head of the institution to disclose the record or part thereof, subject to such conditions as the Court deems appropriate, to the person who requested access to the record, or shall make such other order as the Court deems appropriate.

1980-81-82-83, c. 111, Sch. I "49".

Order of Court where reasonable grounds of injury not found

50. Where the head of a government institution refuses to disclose a record requested under this Act or a part thereof on the basis of section 14 or 15 or paragraph 16(1)(c) or (d) or 18(d), the Court shall, if it determines that the head of the institution did not have reasonable grounds on which to refuse to disclose the record or part thereof, order the head of the institution to disclose the record or part thereof, subject to such conditions as the Court deems appropriate, to the person who requested access to the record, or shall make such other order as the Court deems appropriate.

1980-81-82-83, c. 111, Sch. I "50".

Order of Court not to disclose record

51. Where the Court determines, after considering an application under section 44, that the head of a government institution is required to refuse to disclose a record or part of a record, the Court shall order the head of the institution not to

disclose the record or part thereof or shall make such other order as the Court deems appropriate.

1980-81-82-83, c. 111, Sch. I "51".

Applications relating to international affairs or defence

52. (1) An application under section 41 or 42 relating to a record or a part of a record that the head of a government institution has refused to disclose by reason of paragraph 13(1)(a) or (b) or section 15 shall be heard and determined by the Chief Justice of the Federal Court or by any other judge of that Court that the Chief Justice may designate to hear those applications.

Special rules for hearings

(2) An application referred to in subsection (1) or an appeal brought in respect of such application shall

(a) be heard *in camera*; and

(b) on the request of the head of the government institution concerned, be heard and determined in the National Capital Region described in the schedule to the *National Capital Act*.

Ex parte representations

(3) During the hearing of an application referred to in subsection (1) or an appeal brought in respect of such application, the head of the government institution concerned shall, on the request of the head of the institution, be given the opportunity to make representations *ex parte*.

R.S., 1985, c. A-1, s. 52; 2002, c. 8, s. 112.

Costs

53. (1) Subject to subsection (2), the costs of and incidental to all proceedings in the Court under this Act shall be in the discretion of the Court and shall follow the event unless the Court orders otherwise.

Idem

(2) Where the Court is of the opinion that an application for review under section 41 or 42 has raised an important new principle in relation to this Act, the Court shall order that costs be awarded to the applicant even if the applicant has not been successful in the result.

1980-81-82-83, c. 111, Sch. I "53".

OFFICE OF THE INFORMATION COMMISSIONER

Information Commissioner

Information Commissioner

54. (1) The Governor in Council shall, by commission under the Great Seal, appoint an Information Commissioner after approval of the appointment by resolution of the Senate and House of Commons.

Tenure of office and removal

(2) Subject to this section, the Information Commissioner holds office during good behaviour for a term of seven years, but may be removed by the Governor in Council at any time on address of the Senate and House of Commons.

Further terms

(3) The Information Commissioner, on the expiration of a first or any subsequent term of office, is eligible to be re-appointed for a further term not exceeding seven years.

Absence or incapacity

(4) In the event of the absence or incapacity of the Information Commissioner, or if the office of Information Commissioner is vacant, the Governor in Council may appoint another qualified person to hold office instead of the Commissioner for a term not exceeding six months, and that person shall, while holding that office,

have all of the powers, duties and functions of the Information Commissioner under this or any other Act of Parliament and be paid such salary or other remuneration and expenses as may be fixed by the Governor in Council.

1980-81-82-83, c. 111, Sch. I "54".

Rank, powers and duties generally

55. (1) The Information Commissioner shall rank as and have all the powers of a deputy head of a department, shall engage exclusively in the duties of the office of Information Commissioner under this or any other Act of Parliament and shall not hold any other office under Her Majesty for reward or engage in any other employment for reward.

Salary and expenses

(2) The Information Commissioner shall be paid a salary equal to the salary of a judge of the Federal Court, other than the Chief Justice of that Court, and is entitled to be paid reasonable travel and living expenses incurred in the performance of duties under this or any other Act of Parliament.

Pension benefits

(3) The provisions of the *Public Service Superannuation Act*, other than those relating to tenure of office, apply to the Information Commissioner, except that a person appointed as Information Commissioner from outside the Public Service, as defined in the *Public Service Superannuation Act*, may, by notice in writing given to the President of the Treasury Board not more than sixty days after the date of appointment, elect to participate in the pension plan provided in the *Diplomatic Service (Special) Superannuation Act*, in which case the provisions of that Act, other than those relating to tenure of office, apply to the Information Commissioner from the date of appointment and the provisions of the *Public Service Superannuation Act* do not apply.

Other benefits

(4) The Information Commissioner is deemed to be employed in the public service of Canada for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act*.

R.S., 1985, c. A-1, s. 55; 2002, c. 8, s. 113.

Assistant Information Commissioner

Appointment of Assistant Information Commissioner

56. (1) The Governor in Council may, on the recommendation of the Information Commissioner, appoint one or more Assistant Information Commissioners.

Tenure of office and removal of Assistant Information Commissioner

(2) Subject to this section, an Assistant Information Commissioner holds office during good behaviour for a term not exceeding five years.

Further terms

(3) An Assistant Information Commissioner, on the expiration of a first or any subsequent term of office, is eligible to be re-appointed for a further term not exceeding five years.

1980-81-82-83, c. 111, Sch. I "56".

Duties generally

57. (1) An Assistant Information Commissioner shall engage exclusively in such duties or functions of the office of the Information Commissioner under this or any other Act of Parliament as are delegated by the Information Commissioner to that Assistant Information Commissioner and shall not hold any other office under Her Majesty for reward or engage in any other employment for reward.

Salary and expenses

(2) An Assistant Information Commissioner is entitled to be paid a salary to be fixed by the Governor in Council and such travel and living expenses incurred in the performance of duties under this or any other Act of Parliament as the

Information Commissioner considers reasonable.

Pension benefits

(3) The provisions of the *Public Service Superannuation Act*, other than those relating to tenure of office, apply to an Assistant Information Commissioner.

Other benefits

(4) An Assistant Information Commissioner is deemed to be employed in the public service of Canada for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act*.

1980-81-82-83, c. 111, Sch. I "57".

Staff

Staff of the
Information
Commissioner

58. (1) Such officers and employees as are necessary to enable the Information Commissioner to perform the duties and functions of the Commissioner under this or any other Act of Parliament shall be appointed in accordance with the *Public Service Employment Act*.

Technical assistance

(2) The Information Commissioner may engage on a temporary basis the services of persons having technical or specialized knowledge of any matter relating to the work of the Commissioner to advise and assist the Commissioner in the performance of the duties and functions of the Commissioner under this or any other Act of Parliament and, with the approval of the Treasury Board, may fix and pay the remuneration and expenses of those persons.

1980-81-82-83, c. 111, Sch. I "58".

Delegation

Delegation by
Information
Commissioner

59. (1) Subject to subsection (2), the Information Commissioner may authorize any person to exercise or perform, subject to such restrictions or limitations as the Commissioner may specify, any of the powers, duties or functions of the Commissioner under this or any other Act of Parliament except

(a) in any case other than a delegation to an Assistant Information Commissioner, the power to delegate under this section; and

(b) in any case, the powers, duties or functions set out in sections 38 and 39.

Delegations of
investigations relating
to international affairs
and defence

(2) The Information Commissioner may not, nor may an Assistant Information Commissioner, delegate the investigation of any complaint resulting from a refusal by the head of a government institution to disclose a record or a part of a record by reason of paragraph 13(1)(a) or (b) or section 15 except to one of a maximum of four officers or employees of the Commissioner specifically designated by the Commissioner for the purpose of conducting those investigations.

Delegation by
Assistant Information
Commissioner

(3) An Assistant Information Commissioner may authorize any person to exercise or perform, subject to such restrictions or limitations as the Assistant Information Commissioner may specify, any of the powers, duties or functions of the Information Commissioner under this or any other Act of Parliament that the Assistant Information Commissioner is authorized by the Information Commissioner to exercise or perform.

1980-81-82-83, c. 111, Sch. I "59".

General

Principal office

60. The principal office of the Information Commissioner shall be in the National Capital Region described in the schedule to the *National Capital Act*.

1980-81-82-83, c. 111, Sch. I "60".

Security requirements

61. The Information Commissioner and every person acting on behalf or under the direction of the Commissioner who receives or obtains information relating to any investigation under this or any other Act of Parliament shall, with respect to access to and the use of that information, satisfy any security requirements applicable to, and take any oath of secrecy required to be taken by, persons who normally have access to and use of that information.

1980-81-82-83, c. 111, Sch. I "61".

Confidentiality

62. Subject to this Act, the Information Commissioner and every person acting on behalf or under the direction of the Commissioner shall not disclose any information that comes to their knowledge in the performance of their duties and functions under this Act.

1980-81-82-83, c. 111, Sch. I "62".

Disclosure authorized

63. (1) The Information Commissioner may disclose or may authorize any person acting on behalf or under the direction of the Commissioner to disclose information

(a) that, in the opinion of the Commissioner, is necessary to

(i) carry out an investigation under this Act, or

(ii) establish the grounds for findings and recommendations contained in any report under this Act; or

(b) in the course of a prosecution for an offence under this Act, a prosecution for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made under this Act, a review before the Court under this Act or an appeal therefrom.

Disclosure of offence authorized

(2) The Information Commissioner may disclose to the Attorney General of Canada information relating to the commission of an offence against any law of Canada or a province on the part of any officer or employee of a government institution if in the opinion of the Commissioner there is evidence thereof.

R.S., 1985, c. A-1, s. 63; R.S., 1985, c. 27 (1st Supp.), s. 187.

Information not to be disclosed

64. In carrying out an investigation under this Act and in any report made to Parliament under section 38 or 39, the Information Commissioner and any person acting on behalf or under the direction of the Information Commissioner shall take every reasonable precaution to avoid the disclosure of, and shall not disclose,

(a) any information or other material on the basis of which the head of a government institution would be authorized to refuse to disclose a part of a record requested under this Act; or

(b) any information as to whether a record exists where the head of a government institution, in refusing to give access to the record under this Act, does not indicate whether it exists.

1980-81-82-83, c. 111, Sch. I "64".

No summons

65. The Information Commissioner or any person acting on behalf or under the direction of the Commissioner is not a competent or compellable witness, in respect of any matter coming to the knowledge of the Commissioner or that person as a result of performing any duties or functions under this Act during an investigation, in any proceedings other than a prosecution for an offence under this Act, a prosecution for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made under this Act, a review before the Court under this Act or an appeal therefrom.

R.S., 1985, c. A-1, s. 65; R.S., 1985, c. 27 (1st Supp.), s. 187.

Protection of
Information
Commissioner

66. (1) No criminal or civil proceedings lie against the Information Commissioner, or against any person acting on behalf or under the direction of the Commissioner, for anything done, reported or said in good faith in the course of the exercise or performance or purported exercise or performance of any power, duty or function of the Commissioner under this Act.

Libel or slander

(2) For the purposes of any law relating to libel or slander,

(a) anything said, any information supplied or any document or thing produced in good faith in the course of an investigation by or on behalf of the Information Commissioner under this Act is privileged; and

(b) any report made in good faith by the Information Commissioner under this Act and any fair and accurate account of the report made in good faith in a newspaper or any other periodical publication or in a broadcast is privileged.

1980-81-82-83, c. 111, Sch. I "66".

OFFENCES

Obstruction

67. (1) No person shall obstruct the Information Commissioner or any person acting on behalf or under the direction of the Commissioner in the performance of the Commissioner's duties and functions under this Act.

Offence and
punishment

(2) Every person who contravenes this section is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

1980-81-82-83, c. 111, Sch. I "67".

Obstructing right of
access

67.1 (1) No person shall, with intent to deny a right of access under this Act,

(a) destroy, mutilate or alter a record;

(b) falsify a record or make a false record;

(c) conceal a record; or

(d) direct, propose, counsel or cause any person in any manner to do anything mentioned in any of paragraphs (a) to (c).

Offence and
punishment

(2) Every person who contravenes subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding

two years or to a fine not exceeding \$10,000, or to both; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding six months or to a fine not exceeding \$5,000, or to both.

1999, c. 16, s. 1.

GENERAL

Act does not apply to certain materials

68. This Act does not apply to

(a) published material or material available for purchase by the public;

(b) library or museum material preserved solely for public reference or exhibition purposes; or

(c) material placed in the Library and Archives of Canada, the National Gallery of Canada, the Canadian Museum of Civilization, the Canadian Museum of Nature or the National Museum of Science and Technology by or on behalf of persons or organizations other than government institutions.

R.S., 1985, c. A-1, s. 68; R.S., 1985, c. 1 (3rd Supp.), s. 12; 1990, c. 3, s. 32; 1992, c. 1, s. 143(E); 2004, c. 11, s. 22.

Confidences of the Queen's Privy Council for Canada

69. (1) This Act does not apply to confidences of the Queen's Privy Council for Canada, including, without restricting the generality of the foregoing,

(a) memoranda the purpose of which is to present proposals or recommendations to Council;

(b) discussion papers the purpose of which is to present background explanations, analyses of problems or policy options to Council for consideration by Council in making decisions;

(c) agenda of Council or records recording deliberations or decisions of Council;

(d) records used for or reflecting communications or discussions between ministers of the Crown on matters relating to the making of government decisions or the formulation of government policy;

(e) records the purpose of which is to brief ministers of the Crown in relation to matters that are before, or are proposed to be brought before, Council or that are the subject of communications or discussions referred to in paragraph (d);

(f) draft legislation; and

(g) records that contain information about the contents of any record within a class of records referred to in paragraphs (a) to (f).

Definition of "Council"

(2) For the purposes of subsection (1), "Council" means the Queen's Privy Council for Canada, committees of the Queen's Privy Council for Canada, Cabinet and committees of Cabinet.

Exception

(3) Subsection (1) does not apply to

(a) confidences of the Queen's Privy Council for Canada that have been in existence for more than twenty years; or

(b) discussion papers described in paragraph (1)(b)

(i) if the decisions to which the discussion papers relate have been made public, or

(ii) where the decisions have not been made public, if four years have passed since the decisions were made.

R.S., 1985, c. A-1, s. 69; 1992, c. 1, s. 144(F).

Certificate under
Canada Evidence Act

69.1 (1) Where a certificate under section 38.13 of the *Canada Evidence Act* prohibiting the disclosure of information contained in a record is issued before a complaint is filed under this Act in respect of a request for access to that information, this Act does not apply to that information.

Certificate following
filing of complaint

(2) Notwithstanding any other provision of this Act, where a certificate under section 38.13 of the *Canada Evidence Act* prohibiting the disclosure of information contained in a record is issued after the filing of a complaint under this Act in relation to a request for access to that information,

(a) all proceedings under this Act in respect of the complaint, including an investigation, appeal or judicial review, are discontinued;

(b) the Information Commissioner shall not disclose the information and shall take all necessary precautions to prevent its disclosure; and

(c) the Information Commissioner shall, within 10 days after the certificate is published in the *Canada Gazette*, return the information to the head of the government institution that controls the information.

2001, c. 41, s. 87.

Duties and functions
of designated Minister

70. (1) Subject to subsection (2), the designated Minister shall

(a) cause to be kept under review the manner in which records under the control of government institutions are maintained and managed to ensure compliance with the provisions of this Act and the regulations relating to access to records;

(b) prescribe such forms as may be required for the operation of this Act and the regulations;

(c) cause to be prepared and distributed to government institutions directives and guidelines concerning the operation of this Act and the regulations; and

(d) prescribe the form of, and what information is to be included in, reports made to Parliament under section 72.

Exception for Bank of
Canada

(2) Anything that is required to be done by the designated Minister under paragraph (1)(a) or (c) shall be done in respect of the Bank of Canada by the Governor of the Bank of Canada.

1980-81-82-83, c. 111, Sch. I "70".

Manuals may be inspected by public

71. (1) The head of every government institution shall, not later than July 1, 1985, provide facilities at the headquarters of the institution and at such offices of the institution as are reasonably practicable where the public may inspect any manuals used by employees of the institution in administering or carrying out programs or activities of the institution that affect the public.

Exempt information may be excluded

(2) Any information on the basis of which the head of a government institution would be authorized to refuse to disclose a part of a record requested under this Act may be excluded from any manuals that may be inspected by the public pursuant to subsection (1).

1980-81-82-83, c. 111, Sch. I "71".

Report to Parliament

72. (1) The head of every government institution shall prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year.

Tabling of report

(2) Every report prepared under subsection (1) shall be laid before each House of Parliament within three months after the financial year in respect of which it is made or, if that House is not then sitting, on any of the first fifteen days next thereafter that it is sitting.

Reference to Parliamentary committee

(3) Every report prepared under subsection (1) shall, after it is laid before the Senate and the House of Commons under subsection (2), be referred to the committee designated or established by Parliament for the purpose of subsection 75(1).

1980-81-82-83, c. 111, Sch. I "72".

Delegation by the head of a government institution

73. The head of a government institution may, by order, designate one or more officers or employees of that institution to exercise or perform any of the powers, duties or functions of the head of the institution under this Act that are specified in the order.

1980-81-82-83, c. 111, Sch. I "73".

Protection from civil proceeding or from prosecution

74. Notwithstanding any other Act of Parliament, no civil or criminal proceedings lie against the head of any government institution, or against any person acting on behalf or under the direction of the head of a government institution, and no proceedings lie against the Crown or any government institution, for the disclosure in good faith of any record or any part of a record pursuant to this Act, for any consequences that flow from that disclosure, or for the failure to give any notice required under this Act if reasonable care is taken to give the required notice.

1980-81-82-83, c. 111, Sch. I "74".

Permanent review of Act by Parliamentary committee

75. (1) The administration of this Act shall be reviewed on a permanent basis by such committee of the House of Commons, of the Senate or of both Houses of Parliament as may be designated or established by Parliament for that purpose.

Review and report to Parliament

(2) The committee designated or established by Parliament for the purpose of subsection (1) shall, not later than July 1, 1986, undertake a comprehensive review of the provisions and operation of this Act, and shall within a year after the review is undertaken or within such further time as the House of Commons may authorize, submit a report to Parliament thereon including a statement of any changes the committee would recommend.

1980-81-82-83, c. 111, Sch. I "75".

Binding on Crown

76. This Act is binding on Her Majesty in right of Canada.

1980-81-82-83, c. 111, Sch. I "76".

Regulations

77. (1) The Governor in Council may make regulations

(a) prescribing limitations in respect of records that can be produced from machine readable records for the purpose of subsection 4(3);

(b) prescribing the procedure to be followed in making and responding to a request for access to a record under this Act;

(c) prescribing, for the purpose of subsection 8(1), the conditions under which a request may be transferred from one government institution to another;

(d) prescribing a fee for the purpose of paragraph 11(1)(a) and the manner of calculating fees or amounts payable for the purposes of paragraphs 11(1)(b) and (c) and subsections 11(2) and (3);

(e) prescribing, for the purpose of subsection 12(1), the manner or place in which access to a record or a part thereof shall be given;

(f) specifying investigative bodies for the purpose of paragraph 16(1)(a);

(g) specifying classes of investigations for the purpose of paragraph 16(4)(c);
and

(h) prescribing the procedures to be followed by the Information Commissioner and any person acting on behalf or under the direction of the Information Commissioner in examining or obtaining copies of records relevant to an investigation of a complaint in respect of a refusal to disclose a record or a part of a record under paragraph 13(1)(a) or (b) or section 15.

Additions to Schedule I

(2) The Governor in Council may, by order, amend Schedule I by adding thereto any department, ministry of state, body or office of the Government of Canada.

R.S., 1985, c. A-1, s. 77; 1992, c. 21, s. 5.

SCHEDULE I

(Section 3)

GOVERNMENT INSTITUTIONS

Departments and Ministries of State

Department of Agriculture and Agri-Food

Ministère de l'Agriculture et de l'Agroalimentaire

Department of Canadian Heritage

Ministère du Patrimoine canadien

Department of Citizenship and Immigration

Ministère de la Citoyenneté et de l'Immigration

Department of the Environment

Ministère de l'Environnement

Department of Finance

Ministère des Finances

Department of Fisheries and Oceans

Ministère des Pêches et des Océans

Department of Foreign Affairs and International Trade

Ministère des Affaires étrangères et du Commerce international

Department of Health

Ministère de la Santé

Department of Human Resources Development

Ministère du Développement des ressources humaines

Department of Indian Affairs and Northern Development

Ministère des Affaires indiennes et du Nord canadien

Department of Industry

Ministère de l'Industrie

Department of Justice

Ministère de la Justice

Department of National Defence

Ministère de la Défense nationale

Department of Natural Resources

Ministère des Ressources naturelles

Department of Public Works and Government Services

Ministère des Travaux publics et des Services gouvernementaux

Department of the Solicitor General

Ministère du Solliciteur général

Department of Transport

Ministère des Transports

Department of Veterans Affairs

Ministère des Anciens Combattants

Department of Western Economic Diversification

Ministère de la Diversification de l'économie de l'Ouest canadien

Other Government Institutions

Atlantic Canada Opportunities Agency

Agence de promotion économique du Canada atlantique

Atlantic Pilotage Authority

Administration de pilotage de l'Atlantique

Bank of Canada

Banque du Canada

Belledune Port Authority

Administration portuaire de Belledune

Blue Water Bridge Authority

Administration du pont Blue Water

British Columbia Treaty Commission

Commission des traités de la Colombie-Britannique

Business Development Bank of Canada

Banque de développement du Canada

Canada Border Services Agency

Agence des services frontaliers du Canada

Canada Council for the Arts

Conseil des Arts du Canada

Canada Customs and Revenue Agency

Agence des douanes et du revenu du Canada

Canada Deposit Insurance Corporation

Société d'assurance-dépôts du Canada

Canada Employment Insurance Commission

Commission de l'assurance-emploi du Canada

Canada Industrial Relations Board

Conseil canadien des relations industrielles

Canada Lands Company Limited

Société immobilière du Canada limitée

Canada Mortgage and Housing Corporation

Société canadienne d'hypothèques et de logement

Canada-Newfoundland Offshore Petroleum Board

Office Canada – Terre-Neuve des hydrocarbures extracôtiers

Canada-Nova Scotia Offshore Petroleum Board

Office Canada – Nouvelle-Écosse des hydrocarbures extracôtiers

Canada School of Public Service

École de la fonction publique du Canada

Canadian Advisory Council on the Status of Women

Conseil consultatif canadien de la situation de la femme

Canadian Air Transport Security Authority

Administration canadienne de la sûreté du transport aérien

Canadian Artists and Producers Professional Relations Tribunal

Tribunal canadien des relations professionnelles artistes-producteurs

Canadian Centre for Occupational Health and Safety

Centre canadien d'hygiène et de sécurité au travail

Canadian Commercial Corporation

Corporation commerciale canadienne

Canadian Cultural Property Export Review Board

Commission canadienne d'examen des exportations de biens culturels

Canadian Dairy Commission

Commission canadienne du lait

Canadian Environmental Assessment Agency

Agence canadienne d'évaluation environnementale

Canadian Firearms Centre

Centre canadien des armes à feu

Canadian Food Inspection Agency

Agence canadienne d'inspection des aliments

Canadian Forces

Forces canadiennes

Canadian Forces Grievance Board

Comité des griefs des Forces canadiennes

Canadian Government Specifications Board

Office des normes du gouvernement canadien

Canadian Grain Commission

Commission canadienne des grains

Canadian Human Rights Commission

Commission canadienne des droits de la personne

Canadian Human Rights Tribunal

Tribunal canadien des droits de la personne

Canadian Institutes of Health Research

Instituts de recherche en santé du Canada

Canadian International Development Agency

Agence canadienne de développement international

Canadian International Trade Tribunal

Tribunal canadien du commerce extérieur

Canadian Museum of Civilization

Musée canadien des civilisations

Canadian Museum of Nature

Musée canadien de la nature

Canadian Nuclear Safety Commission

Commission canadienne de sûreté nucléaire

Canadian Polar Commission

Commission canadienne des affaires polaires

Canadian Radio-television and Telecommunications Commission

Conseil de la radiodiffusion et des télécommunications canadiennes

Canadian Security Intelligence Service

Service canadien du renseignement de sécurité

Canadian Space Agency

Agence spatiale canadienne

Canadian Tourism Commission

Commission canadienne du tourisme

Canadian Transportation Accident Investigation and Safety Board

Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports

Canadian Transportation Agency

Office des transports du Canada

Copyright Board

Commission du droit d'auteur

Correctional Service of Canada

Service correctionnel du Canada

Defence Construction (1951) Limited

Construction de défense (1951) Limitée

Department of Human Resources and Skills Development

Ministère des Ressources humaines et du Développement des compétences

Department of International Trade

Ministère du Commerce international

Director of Soldier Settlement

Directeur de l'établissement de soldats

The Director, The Veterans' Land Act

Directeur des terres destinées aux anciens combattants

Economic Development Agency of Canada for the Regions of Quebec

Agence de développement économique du Canada pour les régions du Québec

Energy Supplies Allocation Board

Office de répartition des approvisionnements d'énergie

Farm Credit Canada

Financement agricole Canada

The Federal Bridge Corporation Limited

La Société des ponts fédéraux Limitée

Federal-Provincial Relations Office

Secrétariat des relations fédérales-provinciales

Financial Consumer Agency of Canada

Agence de la consommation en matière financière du Canada

Financial Transactions and Reports Analysis Centre of Canada

Centre d'analyse des opérations et déclarations financières du Canada

Fraser River Port Authority

Administration portuaire du fleuve Fraser

Freshwater Fish Marketing Corporation

Office de commercialisation du poisson d'eau douce

Grain Transportation Agency Administrator

Administrateur de l'Office du transport du grain

Great Lakes Pilotage Authority

Administration de pilotage des Grands Lacs

Gwich'in Land and Water Board

Office gwich'in des terres et des eaux

Gwich'in Land Use Planning Board

Office gwich'in d'aménagement territorial

Halifax Port Authority

Administration portuaire de Halifax

Hamilton Port Authority

Administration portuaire de Hamilton

Hazardous Materials Information Review Commission

Conseil de contrôle des renseignements relatifs aux matières dangereuses

Historic Sites and Monuments Board of Canada

Commission des lieux et monuments historiques du Canada

Immigration and Refugee Board

Commission de l'immigration et du statut de réfugié

International Centre for Human Rights and Democratic Development

Centre international des droits de la personne et du développement

démocratique

International Development Research Centre

Centre de recherches pour le développement international

The Jacques-Cartier and Champlain Bridges Inc.

Les Ponts Jacques-Cartier et Champlain Inc.

Laurentian Pilotage Authority

Administration de pilotage des Laurentides

Law Commission of Canada

Commission du droit du Canada

Library and Archives of Canada

Bibliothèque et Archives du Canada

Mackenzie Valley Environmental Impact Review Board

Office d'examen des répercussions environnementales de la vallée du Mackenzie

Mackenzie Valley Land and Water Board

Office des terres et des eaux de la vallée du Mackenzie

Merchant Seamen Compensation Board

Commission d'indemnisation des marins marchands

Military Police Complaints Commission

Commission d'examen des plaintes concernant la police militaire

Montreal Port Authority

Administration portuaire de Montréal

Nanaimo Port Authority

Administration portuaire de Nanaimo

The National Battlefields Commission

Commission des champs de bataille nationaux

National Capital Commission

Commission de la capitale nationale

National Energy Board

Office national de l'énergie

National Farm Products Council

Conseil national des produits agricoles

National Film Board

Office national du film

National Gallery of Canada

Musée des beaux-arts du Canada

National Museum of Science and Technology

Musée national des sciences et de la technologie

National Parole Board

Commission nationale des libérations conditionnelles

National Research Council of Canada

Conseil national de recherches du Canada

National Round Table on the Environment and the Economy

Table ronde nationale sur l'environnement et l'économie

Natural Sciences and Engineering Research Council

Conseil de recherches en sciences naturelles et en génie

Northern Pipeline Agency

Administration du pipe-line du Nord

North Fraser Port Authority

Administration portuaire du North-Fraser

Northwest Territories Water Board

Office des eaux des Territoires du Nord-Ouest

Nunavut Surface Rights Tribunal

Tribunal des droits de surface du Nunavut

Nunavut Water Board

Office des eaux du Nunavut

Office of Indian Residential Schools Resolution of Canada

Bureau du Canada sur le règlement des questions des pensionnats autochtones

Office of Infrastructure of Canada

Bureau de l'infrastructure du Canada

Office of Privatization and Regulatory Affairs

Bureau de privatisation et des affaires réglementaires

Office of the Comptroller General

Bureau du contrôleur général

Office of the Co-ordinator, Status of Women

Bureau de la coordonnatrice de la situation de la femme

Office of the Correctional Investigator of Canada

Bureau de l'enquêteur correctionnel du Canada

Office of the Inspector General of the Canadian Security Intelligence Service

Bureau de l'inspecteur général du service canadien du renseignement de sécurité

Office of the Superintendent of Financial Institutions

Bureau du surintendant des institutions financières

Pacific Pilotage Authority

Administration de pilotage du Pacifique

Parks Canada Agency

Agence Parcs Canada

Patented Medicine Prices Review Board

Conseil d'examen du prix des médicaments brevetés

Pension Appeals Board

Commission d'appel des pensions

Petroleum Compensation Board

Office des indemnisations pétrolières

Port Alberni Port Authority

Administration portuaire de Port-Alberni

Prairie Farm Rehabilitation Administration

Administration du rétablissement agricole des Prairies

Prince Rupert Port Authority

Administration portuaire de Prince-Rupert

Privy Council Office

Bureau du Conseil privé

Public Service Commission

Commission de la fonction publique

Public Service Human Resources Management Agency of Canada

Agence de gestion des ressources humaines de la fonction publique du Canada

Public Service Staffing Tribunal

Tribunal de la dotation de la fonction publique

Public Service Staff Relations Board

Commission des relations de travail dans la fonction publique

Quebec Port Authority

Administration portuaire de Québec

Regional Development Incentives Board

Conseil des subventions au développement régional

Royal Canadian Mint

Monnaie royale canadienne

Royal Canadian Mounted Police

Gendarmerie royale du Canada

Royal Canadian Mounted Police External Review Committee

Comité externe d'examen de la Gendarmerie royale du Canada

Royal Canadian Mounted Police Public Complaints Commission

Commission des plaintes du public contre la Gendarmerie royale du Canada

Saguenay Port Authority

Administration portuaire du Saguenay

Sahtu Land and Water Board

Office des terres et des eaux du Sahtu

Sahtu Land Use Planning Board

Office d'aménagement territorial du Sahtu

Saint John Port Authority

Administration portuaire de Saint-Jean

The Seaway International Bridge Corporation, Ltd.

La Corporation du Pont international de la voie maritime, Ltée

Security Intelligence Review Committee

Comité de surveillance des activités de renseignement de sécurité

Sept-Îles Port Authority

Administration portuaire de Sept-Îles

Social Sciences and Humanities Research Council

Conseil de recherches en sciences humaines

Standards Council of Canada

Conseil canadien des normes

Statistics Canada

Statistique Canada

Statute Revision Commission

Commission de révision des lois

St. John's Port Authority

Administration portuaire de St. John's

Telefilm Canada

Téléfilm Canada

Thunder Bay Port Authority

Administration portuaire de Thunder Bay

Toronto Port Authority

Administration portuaire de Toronto

Treasury Board Secretariat

Secrétariat du Conseil du Trésor

Trois-Rivières Port Authority

Administration portuaire de Trois-Rivières

Vancouver Port Authority

Administration portuaire de Vancouver

Veterans Review and Appeal Board

Tribunal des anciens combattants (révision et appel)

Windsor Port Authority

Administration portuaire de Windsor

Yukon Environmental and Socio-economic Assessment Board

Office d'évaluation environnementale et socioéconomique du Yukon

Yukon Surface Rights Board

Office des droits de surface du Yukon

R.S., 1985, c. A-1, Sch. I; R.S., 1985, c. 22 (1st Supp.), s. 11, c. 44 (1st Supp.), s. 1, c. 46 (1st Supp.), s. 6; SOR/85-613; R.S., 1985, c. 8 (2nd Supp.), s. 26, c. 19 (2nd Supp.), s. 46; SOR/86-137; R.S., 1985, c. 1 (3rd Supp.), s. 12, c. 3 (3rd Supp.), s. 1, c. 18 (3rd Supp.), s. 27, c. 20 (3rd Supp.), s. 39, c. 24 (3rd Supp.), s.

52, c. 28 (3rd Supp.), s. 274, c. 1 (4th Supp.), s. 46, c. 7 (4th Supp.), s. 2, c. 10 (4th Supp.), s. 19, c. 11 (4th Supp.), s. 13, c. 21 (4th Supp.), s. 1, c. 28 (4th Supp.), s. 36, c. 41 (4th Supp.), s. 45, c. 47 (4th Supp.), s. 52; SOR/88-115; 1989, c. 3, s. 37, c. 27, s. 19; 1990, c. 1, s. 24, c. 3, s. 32, c. 13, s. 24; SOR/90-325, 344; 1991, c. 3, s. 10, c. 6, s. 22, c. 16, s. 21, c. 38, s. 25; SOR/91-591; 1992, c. 1, ss. 2, 145(F), 147, c. 33, s. 68, c. 37, s. 75; SOR/92-96, 98; 1993, c. 1, ss. 8, 17, 31, 39, c. 3, ss. 15, 16, c. 28, s. 78, c. 31, s. 24, c. 34, ss. 2, 140; 1994, c. 26, ss. 2, 3, c. 31, s. 9, c. 38, ss. 11, 12, c. 41, ss. 11, 12, c. 43, s. 80; 1995, c. 1, ss. 26 to 28, c. 5, ss. 13, 14, c. 11, ss. 16, 17, c. 12, s. 8, c. 18, ss. 77, 78, c. 28, ss. 44, 45, c. 29, ss. 13, 29, 34, 74, 80, c. 45, s. 23; 1996, c. 8, ss. 16, 17, c. 9, s. 26, c. 10, ss. 202, 203, c. 11, ss. 43 to 46, c. 16, ss. 29 to 31; SOR/96-356, 538; 1997, c. 6, s. 37, c. 9, ss. 83, 84, c. 20, s. 53; 1998, c. 9, ss. 35, 36, c. 10, ss. 159 to 162, c. 25, s. 160, c. 26, ss. 70, 71, c. 31, s. 46, c. 35, s. 106; SOR/98-120, 149; SOR/98-320, s. 1; SOR/98-566; 1999, c. 17, ss. 106, 107, c. 31, ss. 2, 3; 2000, c. 6, ss. 41, 42, c. 17, s. 84, c. 28, s. 47, c. 34, s. 94(F); SOR/2000-175; 2001, c. 9, s. 584, c. 22, ss. 10, 11, c. 34, ss. 2, 16; SOR/2001-143, s. 1; SOR/2001-200, 329; 2002, c. 7, s. 78, c. 10, s. 176, c. 17, ss. 1, 14; SOR/2002-43, 71, 174, 291, 343; 2003, c. 7, s. 127, c. 22, ss. 246, 251, 252; SOR/2003-148, 423, 428, 435, 440; 2004, c. 7, s. 5, c. 11, ss. 23, 24; SOR/2004-24.

SCHEDULE II

(Section 24)

Act Provision

Aeronautics Act <i>Loi sur l'aéronautique</i>	subsections 4.79(1) and 6.5(5)
Anti-Inflation Act, S.C. 1974-75-76, c. 75 <i>Loi anti-inflation</i> , S.C. 1974-75-76, ch. 75	section 14
Assisted Human Reproduction Act <i>Loi sur la procréation assistée</i>	subsection 18(2)
Business Development Bank of Canada Act <i>Loi sur la Banque de développement du Canada</i>	section 37
Canada-Newfoundland Atlantic Accord Implementation Act, S.C. 1987, c. 3 <i>Loi de mise en oeuvre de l'Accord atlantique Canada – Terre-Neuve</i> , S.C. 1987, ch. 3	section 119
Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, S.C. 1988, c. 28 <i>Loi de mise en oeuvre de l'Accord Canada – Nouvelle-Écosse sur les hydrocarbures extracôtiers</i> , L.C. 1988, ch. 28	sections 19 and 122
Canada-Nova Scotia Oil and Gas Agreement Act, S.C. 1984, c. 29 <i>Loi sur l'Accord entre le Canada et la Nouvelle-Écosse sur la gestion des ressources pétrolières et gazières</i> , S.C. 1984, ch. 29	section 53
Canada Pension Plan <i>Régime de pensions du Canada</i>	section 104
Canada Petroleum Resources Act	section 101

<i>Loi fédérale sur les hydrocarbures</i>	
Canada Transportation Act	subsection 51(1) and section 167
<i>Loi sur les transports au Canada</i>	
Canadian Environmental Assessment Act	subsection 35(4)
<i>Loi canadienne sur l'évaluation environnementale</i>	
Canadian International Trade Tribunal Act	sections 45 and 49
<i>Loi sur le Tribunal canadien du commerce extérieur</i>	
Canadian Ownership and Control Determination Act	section 17
<i>Loi sur la détermination de la participation et du contrôle canadiens</i>	
Canadian Security Intelligence Service Act	section 18
<i>Loi sur le Service canadien du renseignement de sécurité</i>	
Canadian Transportation Accident Investigation and Safety Board Act	subsections 28(2) and 31(4)
<i>Loi sur le Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports</i>	
Competition Act	subsections 29(1), 29.1(5) and 29.2(5)
<i>Loi sur la concurrence</i>	
Corporations and Labour Unions Returns Act	section 18
<i>Loi sur les déclarations des personnes morales et des syndicats</i>	
Criminal Code	sections 187, 193 and 487.3
<i>Code criminel</i>	
Criminal Records Act	subsection 6(2) and section 9
<i>Loi sur le casier judiciaire</i>	
Customs Act	sections 107 and 107.1
<i>Loi sur les douanes</i>	
Defence Production Act	section 30
<i>Loi sur la production de défense</i>	
Department of Human Resources Development Act	section 33.5
<i>Loi sur le ministère du Développement des ressources humaines</i>	
Department of Industry Act	subsection 16(2)
<i>Loi sur le ministère de l'Industrie</i>	
DNA Identification Act	subsection 6(7)
<i>Loi sur l'identification par les empreintes génétiques</i>	
Energy Administration Act	section 98
<i>Loi sur l'administration de l'énergie</i>	
Energy Efficiency Act	section 23
<i>Loi sur l'efficacité énergétique</i>	
Energy Monitoring Act	section 33
<i>Loi sur la surveillance du secteur énergétique</i>	
Energy Supplies Emergency Act	section 40.1
<i>Loi d'urgence sur les approvisionnements d'énergie</i>	
Excise Tax Act	section 295
<i>Loi sur la taxe d'accise</i>	
Family Allowances Act	section 18
<i>Loi sur les allocations familiales</i>	
Hazardous Products Act	section 12
<i>Loi sur les produits dangereux</i>	
Canadian Human Rights Act	subsection 47(3)

<i>Loi canadienne sur les droits de la personne</i>	
Income Tax Act	section 241
<i>Loi de l'impôt sur le revenu</i>	
Industrial Research and Development Incentives Act, R.S.C. 1970, c. I-10	section 13
<i>Loi stimulant la recherche et le développement scientifiques</i> , S.R.C. 1970, ch. I-10	
Investment Canada Act	section 36
<i>Loi sur Investissement Canada</i>	
Canada Labour Code	subsection 144(3)
<i>Code canadien du travail</i>	
Mackenzie Valley Resource Management Act <i>Loi sur la gestion des ressources de la vallée du Mackenzie</i>	paragraph 30(1)(b)
Marine Transportation Security Act <i>Loi sur la sûreté du transport maritime</i>	subsection 13(1)
Motor Vehicle Fuel Consumption Standards Act <i>Loi sur les normes de consommation de carburant des véhicules automobiles</i>	subsection 27(1)
Nuclear Safety and Control Act <i>Loi sur la sûreté et la réglementation nucléaires</i>	paragraphs 44(1)(d) and 48(b)
Old Age Security Act <i>Loi sur la sécurité de la vieillesse</i>	section 33
Patent Act <i>Loi sur les brevets</i>	section 10, subsection 20 (7), and sections 87 and 88
Petroleum Incentives Program Act <i>Loi sur le programme d'encouragement du secteur pétrolier</i>	section 17
Proceeds of Crime (Money Laundering) and Terrorist Financing Act <i>Loi sur le recyclage des produits de la criminalité et le financement des activités terroristes</i>	paragraphs 55(1)(a), (d) and (e)
Railway Safety Act <i>Loi sur la sécurité ferroviaire</i>	subsection 39.2(1)
Shipping Conferences Exemption Act, 1987 <i>Loi dérogatoire de 1987 sur les conférences maritimes</i>	section 11
Softwood Lumber Products Export Charge Act <i>Loi sur le droit à l'exportation de produits de bois d'oeuvre</i>	section 20
Special Import Measures Act <i>Loi sur les mesures spéciales d'importation</i>	section 84
Statistics Act <i>Loi sur la statistique</i>	section 17
Telecommunications Act <i>Loi sur les télécommunications</i>	subsections 39(2) and 70 (4)
Trade-marks Act <i>Loi sur les marques de commerce</i>	subsection 50(6)
Transportation of Dangerous Goods Act, 1992 <i>Loi de 1992 sur le transport des marchandises dangereuses</i>	subsection 24(4)
Yukon Environmental and Socio-economic Assessment	paragraph 121(a)

Act

Loi sur l'évaluation environnementale et socioéconomique au Yukon

Yukon Quartz Mining Act

subsection 100(16)

Loi sur l'extraction du quartz dans le Yukon

 R.S., 1985, c. A-1, Sch. II; R.S., 1985, c. 28 (1st Supp.), s. 46, c. 33 (1st Supp.), s. 6, c. 1 (2nd Supp.), s. 213, c. 19 (2nd Supp.), s. 46, c. 36 (2nd Supp.), s. 129, c. 3 (3rd Supp.), s. 1, c. 12 (3rd Supp.), s. 25, c. 17 (3rd Supp.), s. 26, c. 18 (3rd Supp.), s. 28, c. 28 (3rd Supp.), s. 275, c. 33 (3rd Supp.), s. 27, c. 1 (4th Supp.), s. 2, c. 16 (4th Supp.), s. 140, c. 21 (4th Supp.), s. 2, c. 32 (4th Supp.), s. 52, c. 47 (4th Supp.), s. 52; 1989, c. 3, s. 38; 1990, c. 1, s. 25, c. 2, s. 9; 1992, c. 34, ss. 43, 44, c. 36, s. 37, c. 37, s. 76; 1993, c. 2, s. 8, c. 27, s. 211, c. 38, s. 77; 1994, c. 10, ss. 27, 28, c. 40, s. 32; 1995, c. 1, ss. 29, 30, c. 28, s. 46, c. 41, ss. 107, 108; 1996, c. 10, ss. 203.1 to 203.3; 1997, c. 9, ss. 85, 86, c. 23, s. 21; 1998, c. 21, s. 73, c. 25, s. 161, c. 37, s. 14; 1999, c. 9, s. 38, c. 33, s. 344; 2000, c. 15, s. 20, c. 17, s. 85, c. 20, s. 25; 2001, c. 9, s. 585, c. 25, s. 86, c. 41, s. 76; 2003, c. 7, s. 128; 2004, c. 2, s. 73, c. 15, s. 107.

AMENDMENTS NOT IN FORCE

-- 2002, c. 7, s. 77:

1994, c. 43, s. 80

77. Schedule I to the *Access to Information Act* is amended by striking out the following under the heading "*Other Government Institutions*":

Yukon Surface Rights Board

Office des droits de surface du Yukon

-- 2003, c. 22, s. 88:

88. The reference to "Public Service Staff Relations Board" under the heading "*Other Government Institutions*" in Schedule I to the *Access to Information Act* is replaced by a reference to "Public Service Labour Relations Board".

-- 2003, c. 22, para. 224(a):

Replacement of "public service of Canada"

224. The expression "public service of Canada" is replaced by the expression "federal public administration" wherever it occurs in the English version of the following provisions:

(a) subsections 55(4) and 57(4) of the *Access to Information Act*;

...

-- 2003, c. 22, para. 225(a):

Replacement of "Public Service"

225. The expression "Public Service" is replaced by the expression "public service" wherever it occurs in the English version of the following provisions, other than in the expressions "Public Service corporation",

"Public Service Employment Act", "Public Service Pension Fund" and "Public Service Superannuation Act":

(a) subsection 55(3) of the *Access to Information Act*;

...

-- 2003, c. 23, ss. 78, 79:

78. Schedule I to the *Access to Information Act* is amended by adding the following in alphabetical order under the heading "*Other Government Institutions*":

Canadian Centre for the Independent Resolution of First Nations Specific Claims

Centre canadien du règlement indépendant des revendications particulières des premières nations

79. Schedule II to the Act is amended by adding, in alphabetical order, a reference to

Specific Claims Resolution Act

Loi sur le règlement des revendications particulières

and a corresponding reference to "section 38 and subsections 62(2) and 75 (2)".

-- 2004, c. 2, s. 72:

72. Schedule I to the *Access to Information Act* is amended by adding the following in alphabetical order under the heading "*Other Government Institutions*":

Assisted Human Reproduction Agency of Canada

Agence canadienne de contrôle de la procréation assistée

-- 2004, c. 10, s. 22:

22. Schedule II to the *Access to Information Act* is amended by adding, in alphabetical order, a reference to

Sex Offender Information Registration Act

Loi sur l'enregistrement de renseignements sur les délinquants sexuels

and a corresponding reference in respect of that Act to "subsections 9(3) and 16(4)".

-- 2004, c. 17, s. 16:

2000, c. 7, s. 21(2)

16. Subsection 13(3) of the *Access to Information Act* is replaced by the

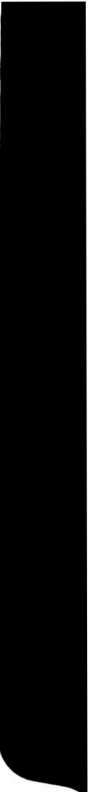
Definition of
"aboriginal
government"

following:

(3) The expression "aboriginal government" in paragraph (1)(e) means

(a) Nisga'a Government, as defined in the Nisga'a Final Agreement given effect by the *Nisga'a Final Agreement Act*; or

(b) the council, as defined in the Westbank First Nation Self-Government Agreement given effect by the *Westbank First Nation Self-Government Act*.



D



Canada National Parks Act

Canada National Parks Act

2000, c. 32

An Act respecting the national parks of Canada

[Assented to 20th October, 2000]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Canada National Parks Act*.

INTERPRETATION

Definitions

2. (1) The definitions in this subsection apply in this Act.

"community plan"
« *plan*
communautaire »

"community plan" means a land use plan for a park community.

"ecological integrity"
« *intégrité*
écologique »

"ecological integrity" means, with respect to a park, a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change and supporting processes.

"enforcement officer"
« *agent de l'autorité* »

"enforcement officer" means a person designated under section 19 or belonging to a class of persons so designated.

"Minister" « *ministre* »

"Minister" means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this Act.

"park" « *parc* »

"park" means a national park of Canada named and described in Schedule 1.

"park community"
« *collectivité* »

"park community" means any of the following communities:

- (a) the visitor centre of Field in Yoho National Park of Canada;
- (b) the town of Banff in Banff National Park of Canada;
- (c) the visitor centre of Lake Louise in Banff National Park of Canada;
- (d) the visitor centre of Waterton Lakes Park in Waterton Lakes National Park of Canada;
- (e) the town of Jasper in Jasper National Park of Canada;
- (f) the visitor centre of Waskesiu in Prince Albert National Park of Canada; or
- (g) the visitor centre of Wasagaming in Riding Mountain National Park of

Canada.

"park reserve" « réserve »	"park reserve" means a national park reserve of Canada named and described in Schedule 2.
"park warden" « garde de parc »	"park warden" means a person designated under section 18.
"public lands" « terres domaniales »	"public lands" means lands, including submerged lands, that belong to Her Majesty in right of Canada or that the Government of Canada has the power to dispose of, whether or not such disposal is subject to the terms of any agreement between the Government of Canada and the government of a province.
"superintendent" « directeur »	"superintendent" means an officer appointed under the <i>Parks Canada Agency Act</i> who holds the office of superintendent of a park or of a national historic site of Canada to which this Act applies, and includes any person appointed under that Act who is authorized by such an officer to act on the officer's behalf.
Aboriginal rights	(2) For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the <i>Constitution Act, 1982</i> .

2000, c. 32, s. 2; 2002, c. 18, s. 30.

HER MAJESTY

Binding on Her Majesty	3. This Act is binding on Her Majesty in right of Canada or a province.
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NATIONAL PARKS OF CANADA

Parks dedicated to public	4. (1) The national parks of Canada are hereby dedicated to the people of Canada for their benefit, education and enjoyment, subject to this Act and the regulations, and the parks shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations.
Purpose of reserves	(2) Park reserves are established in accordance with this Act for the purpose referred to in subsection (1) where an area or a portion of an area proposed for a park is subject to a claim in respect of aboriginal rights that has been accepted for negotiation by the Government of Canada.
National parks of Canada	2000, c. 32, s. 4; 2002, c. 18, s. 31. 5. (1) Subject to section 7, the Governor in Council may, by order, for the purpose of establishing or enlarging a park, amend Schedule 1 by adding the name and a description of the park, or by altering the description of the park, if the Governor in Council is satisfied that (a) Her Majesty in right of Canada has clear title to or an unencumbered right of ownership in the lands to be included in the park; and (b) the government of the province in which those lands are situated has agreed to their use for that purpose.
Judicial finding as to title	(2) If a court of competent jurisdiction finds that Her Majesty in right of Canada does not have clear title to or an unencumbered right of ownership in lands within a park, the Governor in Council may, by order, amend Schedule 1 by removing the name and description of the park or by altering that description.

No reduction of park area

(3) Except as provided by subsection (2), no amendment may be made by the Governor in Council to Schedule 1 for the purpose of removing any portion of a park.

2000, c. 32, s. 5; 2002, c. 18, s. 31.1.

Reserves for parks

6. (1) Subject to section 7, the Governor in Council may, by order, for the purpose of establishing or enlarging a park reserve, amend Schedule 2 by adding the name and a description of the reserve, or by altering the description of the reserve, if the Governor in Council is satisfied that the government of the province in which the lands to be included in the reserve are situated has agreed to their use for that purpose.

Reserve lands becoming park

(2) Where a claim referred to in subsection 4(2) is settled, the Governor in Council may, by order,

(a) amend Schedule 2 by removing the name and description of the park reserve or by altering that description; and

(b) if the settlement provides that the park reserve or part of it is to become a park or part of one, amend Schedule 1 by adding the name and a description of the park or by altering the description of the park, if the Governor in Council is satisfied that Her Majesty in right of Canada has clear title to or an unencumbered right of ownership in the lands to be included in the park.

Judicial finding as to title

(3) If a court of competent jurisdiction finds that Her Majesty in right of Canada does not have clear title to or an unencumbered right of ownership in lands within a park reserve, the Governor in Council may, by order, amend Schedule 2 by removing the name and description of the reserve or by altering that description.

No reduction of reserve area

(4) Except as provided by subsections (2) and (3), no amendment may be made by the Governor in Council to Schedule 2 for the purpose of removing any portion of a park reserve.

2000, c. 32, s. 6; 2002, c. 18, s. 31.2.

Amendment to be tabled and referred

7. (1) Before an amendment is made to Schedule 1 or 2 for a purpose referred to in subsection 5(1) or 6(1), respectively, the proposed amendment shall be tabled in each House of Parliament, together with a report on the proposed park or park reserve that includes information on consultations undertaken and any agreements reached with respect to its establishment, and an amendment so tabled stands referred to the standing committee of each House that normally considers matters relating to parks or to any other committee that that House may designate for the purposes of this section.

Disapproval by committee

(2) The committee of each House may, within 30 sitting days after the amendment is tabled, report to the House that it disapproves the amendment, in which case a motion to concur in the report shall be put to the House in accordance with its procedures.

Amendment allowed

(3) A proposed amendment to Schedule 1 or 2 may be made if 31 sitting days have elapsed after the tabling of the amendment in both Houses and no motion referred to in subsection (2) has been proposed in either House.

Amendment not allowed

(4) A proposed amendment to Schedule 1 or 2 may not be made if either House passes a motion referred to in subsection (2).

ADMINISTRATION

Management by Minister	<p>8. (1) The Minister is responsible for the administration, management and control of parks, including the administration of public lands in parks and, for that purpose, the Minister may use and occupy those lands.</p>
Ecological integrity	<p>(2) Maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority of the Minister when considering all aspects of the management of parks.</p>
Park communities	<p>9. Powers in relation to land use planning and development in park communities may not be exercised by a local government body, except as provided in the agreement referred to in section 35.</p>
Agreements – general	<p>10. (1) The Minister may enter into agreements with federal and provincial ministers and agencies, local and aboriginal governments, bodies established under land claims agreements and other persons and organizations for carrying out the purposes of this Act.</p>
Agreements – particular	<p>(2) The Minister may enter into agreements</p> <p>(a) with any person for the development, operation and maintenance in a park of hydro-electric power pursuant to the <i>Dominion Water Power Act</i> for use in a park;</p> <p>(b) with a local or aboriginal government having jurisdiction on lands adjacent to a park for the supply of water from the park to any place on those adjacent lands; and</p> <p>(c) with any person located on lands in or adjacent to a park for the supply of water from the park to those lands for domestic purposes or for use in establishments providing services to park visitors.</p>
Traditional water supply	<p>(2.1) An agreement entered into pursuant to paragraph (2)(b) must take into account any traditional supply of water from the park.</p>
Use of land	<p>(3) An agreement entered into by the Minister with a provincial minister or agency may authorize the use of public lands in a park, but the Minister may terminate the agreement if those lands cease to be used as authorized.</p>
Management plans	<p>11. (1) The Minister shall, within five years after a park is established, prepare a management plan for the park containing a long-term ecological vision for the park, a set of ecological integrity objectives and indicators and provisions for resource protection and restoration, zoning, visitor use, public awareness and performance evaluation, which shall be tabled in each House of Parliament.</p>
Review of plans	<p>(2) The Minister shall review the management plan for each park every five years, and any amendments to a plan shall be tabled with the plan in each House of Parliament.</p>
Public consultation	<p>12. (1) The Minister shall, where applicable, provide opportunities for public participation at the national, regional and local levels, including participation by aboriginal organizations, bodies established under land claims agreements and representatives of park communities, in the development of parks policy and regulations, the establishment of parks, the formulation of management plans, land use planning and development in relation to park communities and any other matters that the Minister considers relevant.</p>
Progress reports	<p>(2) At least every two years, the Minister shall cause to be tabled in each House of Parliament a report on the state of the parks and on progress made towards the establishment of new parks.</p>

PARK LANDS

No disposition or use
without authority

13. Except as permitted by this Act or the regulations,

(a) no public lands or right or interest in public lands in a park may be disposed of; and

(b) no person shall use or occupy public lands in a park.

Wilderness areas

14. (1) The Governor in Council may, by regulation, declare any area of a park that exists in a natural state or that is capable of returning to a natural state to be a wilderness area.

Maintaining character

(2) The Minister may not authorize any activity to be carried on in a wilderness area that is likely to impair the wilderness character of the area.

Exceptions

(3) Notwithstanding subsection (2) but subject to any conditions that the Minister considers necessary, the Minister may authorize activities to be carried on in a wilderness area for purposes of

(a) park administration;

(b) public safety;

(c) the provision of basic user facilities including trails and rudimentary campsites;

(d) the carrying on of activities in accordance with regulations made under section 17; or

(e) access by air to remote parts of the wilderness area.

Time limit for
declaration

(4) Where a new or amended management plan sets out an area of a park for declaration as a wilderness area, the Minister shall recommend such declaration to the Governor in Council within one year after the plan or amendment is tabled under section 11.

Disposition of public
lands

15. (1) The Minister may

(a) enter into leases of, and easements or servitudes over, public lands in a park that are used for

(i) the right-of-way of an existing railway line or the site of a railway station,

(ii) the right-of-way of an existing oil or gas pipeline or the site of a tank, reservoir, pump, rack, loading facility or other installation connected with such a pipeline, or

(iii) the right-of-way of an existing telecommunication or electrical transmission line or the site of an exchange, office, substation or other installation connected with such a transmission line;

(b) enter into leases of, and easements or servitudes over, public lands in a park that are required for any alteration to or deviation from a right-of-way referred to in paragraph (a) or for the relocation of any station or installation

- referred to in that paragraph; or
- (c) enter into leases or licences of occupation of, and easements or servitudes over, public lands in a park for the installation and operation of radio and television repeater stations, microwave towers, weather and telemetry stations and cosmic ray and other scientific monitoring stations.
- Use of lands (2) Public lands in a park in which a right or interest is held for any purpose under this section remain part of the park and, if those lands cease to be used for that purpose, the right or interest reverts to the Crown.
- Termination, etc. (3) The Minister may terminate, or accept the surrender or resiliation of, a lease of public lands in a park and may terminate, or accept the relinquishment of, a licence of occupation of such lands or an easement or servitude over such lands.
- Expropriation if interests (4) The *Expropriation Act* applies in respect of the taking or acquisition of an interest in public lands in a park for the purposes of this Act where the holder of the interest does not consent and there is no cause for termination under subsection (3).
- Meaning of terms (5) For the purposes of subsection (4), the Minister is deemed to be a minister referred to in paragraph (b) of the definition "Minister" in section 2 of that Act and the Parks Canada Agency is deemed to be a department named in Schedule I to the *Financial Administration Act*.
- No other expropriation (6) Notwithstanding the *Expropriation Act*, Her Majesty in right of Canada may not acquire any interest in land by expropriation for the purpose of enlarging a park or establishing a new park.

REGULATIONS

- Regulations 16. (1) The Governor in Council may make regulations respecting
- (a) the preservation, control and management of parks;
- (b) the protection of flora, soil, waters, fossils, natural features, air quality, and cultural, historical and archaeological resources;
- (c) the protection of fauna, the taking of specimens of fauna for scientific or propagation purposes, and the destruction or removal of dangerous or superabundant fauna;
- (d) the management and regulation of fishing;
- (e) the prevention and remedying of any obstruction or pollution of waterways;
- (f) the prevention and extinguishment of fire on park lands or threatening park lands;
- (g) the issuance, amendment and termination of leases, licences of occupation and easements or servitudes, and the acceptance of the surrender or resiliation of leases and the relinquishment of licences of occupation and easements or servitudes, of or over public lands
- (i) in park communities, for the purposes of residence, schools, churches, hospitals, trade, tourism and places of recreation or entertainment,

(ii) in existing resort subdivisions, for the purpose of residence,

(iii) outside park communities and existing resort subdivisions, for the purposes of schools, churches, hospitals, service stations, tourism and places for the accommodation, recreation or education of visitors to parks, and

(iv) in the town of Banff, for the purpose of the exercise by a local government body of functions specified in the agreement referred to in section 35;

(h) the restriction or prohibition of activities and the control of the use of park resources and facilities;

(i) the establishment, operation, maintenance and administration of works and services of a public character, such as water, sewage, electricity, telephone, gas, fire protection, garbage removal and disposal and cemeteries, including the designation, granting and maintenance of plots in cemeteries, and respecting the use of those works and services;

(j) the establishment, maintenance, administration and use of roads, streets, highways, parking areas, sidewalks, streetworks, trails, wharves, docks, bridges and other improvements, and the circumstances under which they must be open or may be closed to public traffic or use;

(k) the control of traffic on roads, streets and highways and elsewhere in parks, including the regulation of the speed, operation and parking of vehicles;

(l) the surveying of public lands, the making of plans of surveyed lands, the delimitation in such plans of the boundaries of park communities, existing resort subdivisions and cemeteries, their designation as towns, visitor centres, resort subdivisions or cemeteries and the subdividing of lands so designated;

(m) the control of the location, standards, design, materials, construction, maintenance, removal and demolition of buildings, structures, facilities, signs and other improvements and the establishment of zones governing uses of land and buildings;

(n) the control of businesses, trades, occupations, amusements, sports and other activities or undertakings, including activities related to commercial ski facilities referred to in section 36, and the places where such activities and undertakings may be carried on;

(o) the preservation of public health and the prevention of disease;

(p) the inspection of buildings, structures, facilities and other improvements for the purpose of the enforcement of regulations made under paragraphs (m), (n) and (o);

(q) the abatement and prevention of nuisances;

(r) the determination of fees, rates, rents and other charges for the use of park resources and facilities, the provision of works and services referred to in paragraph (i) and improvements referred to in paragraph (j), and the issuance and amendment of permits, licences and other authorizing instruments pursuant

to subsection (3);

(s) public safety, including the control of firearms;

(t) the use, transportation and temporary storage of pesticides and other toxic substances;

(u) the control of domestic animals, including the impounding or destruction of such animals found at large;

(v) the acquisition or disposition of prehistoric and historic objects and reproductions of them and the sale of souvenirs, consumer articles and publications;

(w) the authorization of the use of park lands, and the use or removal of flora and other natural objects, by aboriginal people for traditional spiritual and ceremonial purposes;

(x) the control of access to parks by air;

(y) maximum amounts of fines in respect of contraventions of provisions of the regulations or of permits, licences or other authorizing instruments issued pursuant to the regulations, for the purposes of paragraphs 24(3)(a) and (b); and

(z) the summary removal from a park, by park wardens or enforcement officers, of persons found contravening specified provisions of this Act, the regulations or the *Criminal Code*, and the exclusion from a park for prescribed periods of those persons or persons convicted of offences under those provisions.

Roads and other improvements

(2) The establishment or use of any improvement referred to in paragraph (1)(j) does not operate to withdraw lands from a park.

Powers of superintendents

(3) Regulations made under this section may authorize the superintendent of a park, in the circumstances and subject to the limits that may be specified in the regulations,

(a) to vary any requirement of the regulations for purposes of public safety or the conservation of natural resources in the park;

(b) to issue, amend, suspend and revoke permits, licences and other authorizations in relation to any matter that is the subject of regulations and to set their terms and conditions; and

(c) to order the taking of any action to counter any threat to public health or to remedy the consequences of any breach of the regulations in the park.

No new establishments

(4) No lease, licence of occupation, easement or servitude may be issued or amended pursuant to regulations made under subparagraph (1)(g)(iii) for the purpose of the establishment of a new park community, resort subdivision, school, church or hospital.

Resource harvesting in certain parks

17. (1) The Governor in Council may make regulations respecting the exercise of traditional renewable resource harvesting activities in

(a) Wood Buffalo National Park of Canada;

(b) Wapusk National Park of Canada;

(c) Gros Morne National Park of Canada;

(d) any national park of Canada established in the District of Thunder Bay in the Province of Ontario;

(e) Mingan Archipelago National Park Reserve of Canada; and

(f) any national park of Canada established in an area where the continuation of such activities is provided for by an agreement between the Government of Canada and the government of a province respecting the establishment of the park.

Land claims
agreements

(2) Where an agreement for the settlement of an aboriginal land claim that is given effect by an Act of Parliament makes provision for traditional renewable resource harvesting activities or stone removal activities for carving purposes within any area of a park, or where aboriginal people have existing aboriginal or treaty rights to traditional renewable resource harvesting activities within any area of a park, the Governor in Council may make regulations respecting the carrying on of those activities in that area.

Regulations
respecting resource
harvesting

(3) Regulations made under subsection (1) or (2) may

(a) specify what are traditional renewable resource harvesting activities;

(b) designate categories of persons authorized to engage in those activities and prescribe the conditions under which they may engage in them;

(c) prohibit the use of renewable resources harvested in parks for other than traditional purposes;

(d) control traditional renewable resource harvesting activities;

(e) authorize the removal and disposal of any equipment or harvested resources left in a park in contravention of the regulations, and provide for the recovery of expenses incurred in their removal and disposal; and

(f) notwithstanding anything in this subsection, authorize the superintendent of a park

(i) to close areas of the park to traditional renewable resource harvesting activities for purposes of park management, public safety or the conservation of natural resources,

(ii) to establish limits on the renewable resources that may be harvested in any period, or to vary any such limits established by the regulations, for purposes of conservation, and

(iii) to prohibit or restrict the use of equipment in the park for the purpose of protecting natural resources.

Removal of carving
stone

(4) In regulations made under subsection (2), subsection (3) may be applied to the removal of stone for carving purposes.

Variations by

superintendent

(5) Regulations made under this section may authorize the superintendent of a park, in the circumstances described and to the extent provided in the regulations, to vary any requirement of the regulations for purposes of public safety or the conservation of natural resources in the park.

ENFORCEMENT

Designation of park wardens

18. The Minister may designate persons appointed under the *Parks Canada Agency Act*, whose duties include the enforcement of this Act, to be park wardens for the enforcement of this Act and the regulations in any part of Canada and for the preservation and maintenance of the public peace in parks, and for those purposes park wardens are peace officers within the meaning of the *Criminal Code*.

Designation of enforcement officers

19. The Minister may designate persons or classes of persons employed in the public service of Canada or by a provincial, municipal or local authority or an aboriginal government, whose duties include law enforcement, to be enforcement officers for the purpose of the enforcement of specified provisions of this Act or the regulations in relation to specified parks, and for that purpose enforcement officers have the powers and are entitled to the protection provided by law to peace officers within the meaning of the *Criminal Code*.

2000, c. 32, s. 19; 2002, c. 18, s. 31.3.

Certificate of designation and oath

20. (1) Every park warden and enforcement officer shall be provided with a certificate of designation in a form approved by the Minister and shall take and subscribe an oath prescribed by the Minister.

Limitation of powers

(2) A certificate of designation provided to an enforcement officer shall specify the provisions of this Act or the regulations that the enforcement officer has the power to enforce and the parks in which that power applies.

Crossing private property

(3) In the discharge of their duties, park wardens, enforcement officers and persons accompanying them may enter on and pass through or over private property.

Arrest by warden or officer

21. (1) A park warden or enforcement officer may, in accordance with and subject to the *Criminal Code*, arrest without warrant

(a) any person whom the warden or officer finds committing an offence under this Act; or

(b) any person who, on reasonable grounds, the warden or officer believes has committed or is about to commit an offence under section 26.

Arrest by warden

(2) A park warden may, in accordance with and subject to the *Criminal Code*, arrest without warrant any person whom the warden finds committing an offence under any other Act in a park.

Search and seizure

22. (1) A park warden or enforcement officer may

(a) enter and search any place and open and examine any package or receptacle in accordance with a warrant issued under subsection (2) at any time during the day or, if so specified in the warrant, during the night; and

(b) seize any thing that the warden or officer believes on reasonable grounds is a thing described in subsection (2).

Authority to issue warrant

(2) If a justice of the peace, on *ex parte* application, is satisfied by information on oath that there are reasonable grounds to believe that there is in any place, including any building or any vehicle, vessel or other conveyance, or in any package or receptacle,

(a) any thing in relation to which there are reasonable grounds to believe an offence under this Act or the regulations has been committed, or

(b) any thing that there are reasonable grounds to believe will afford evidence with respect to the commission of such an offence,

the justice of the peace may issue a warrant authorizing a park warden or enforcement officer named in the warrant to enter and search the place or to open and examine the package or receptacle, subject to any conditions specified in the warrant.

Where warrant not necessary

(3) A park warden or enforcement officer may exercise any powers under subsection (1) without a warrant if the conditions for obtaining a warrant exist but by reason of exigent circumstances it would not be practical to obtain one.

Custody of things seized

23. (1) Subject to subsections (2) and (3) and sections 28 and 29, where a park warden or enforcement officer seizes a thing under this Act or under a warrant issued pursuant to the *Criminal Code*,

(a) sections 489.1 and 490 of the *Criminal Code* apply; and

(b) the warden or officer, or any person that the warden or officer may designate, shall retain custody of the thing, subject to any order made under section 490 of the *Criminal Code*.

Forfeiture where ownership not ascertainable

(2) If the lawful ownership of or entitlement to a seized thing cannot be ascertained within 30 days after its seizure, the thing or any proceeds of its disposition are forfeited to Her Majesty in right of Canada, if the thing was seized by a park warden or by an enforcement officer employed in the public service of Canada, or to Her Majesty in right of a province, if the thing was seized by an enforcement officer employed by a provincial, municipal or local authority or an aboriginal government.

Perishable things

(3) If a seized thing is perishable, the park warden or enforcement officer may dispose of it or destroy it, and any proceeds of its disposition shall be paid to the lawful owner or person lawfully entitled to possession of the thing, unless proceedings under this Act are commenced within 90 days after its seizure, or shall be retained by the warden or officer pending the outcome of those proceedings.

2000, c. 32, s. 23; 2002, c. 18, s. 31.4.

OFFENCES AND PUNISHMENT

Contravention of section 13

24. (1) Every person who contravenes section 13 is guilty of an offence and liable

(a) on summary conviction, to a fine not exceeding \$2,000; or

(b) on conviction on indictment, to a fine not exceeding \$5,000.

Contravention of subsection 32(1)

(2) Every person who contravenes subsection 32(1) is guilty of an offence and

liable

(a) on summary conviction,

(i) in the case of a corporation, to a fine not exceeding \$10,000, and

(ii) in the case of an individual, to a fine not exceeding \$2,000; or

(b) on conviction on indictment,

(i) in the case of a corporation, to a fine not exceeding \$50,000, and

(ii) in the case of an individual, to a fine not exceeding \$5,000.

Contravention of regulations

(3) Every person who contravenes a provision of the regulations, or a condition of a permit, licence or other authorizing instrument issued under the regulations, is guilty of an offence and liable

(a) on summary conviction, to a fine not exceeding \$2,000, or

(b) on conviction on indictment, to a fine not exceeding \$5,000,

or any lesser maximum amount that may be prescribed by the regulations in respect of that provision or in respect of that permit, licence or authorizing instrument.

Trafficking in wildlife, etc.

25. (1) Except as permitted by the regulations, no person shall traffic in any wild mammal, amphibian, reptile, bird, fish or invertebrate, any part or an egg or embryo thereof, any plant or part of a plant, or any other naturally occurring object or product of natural phenomena, taken in or from a park.

Offence

(2) Every person who contravenes subsection (1) is guilty of an offence and liable

(a) on summary conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding six months or to both; or

(b) on conviction on indictment, to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year or to both.

Definition of "traffic"

(3) In this section and section 26, "traffic" means to sell, offer for sale, expose for sale, buy, offer to buy, solicit, barter, exchange, give, send, transport or deliver.

Poaching and trafficking

26. (1) Except as permitted by the regulations, no person shall hunt, traffic in or possess, in a park, any wildlife of a species named in Part 1 of Schedule 3, or traffic in or possess such wildlife taken from a park.

Offence

(2) Every person who contravenes subsection (1) is guilty of an offence and liable

(a) on summary conviction, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding six months or to both; or

(b) on conviction on indictment, to a fine not exceeding \$250,000 or to imprisonment for a term not exceeding five years or to both.

- Poaching and trafficking (3) Except as permitted by the regulations, no person shall hunt, traffic in or possess, in a park, any wildlife of a species named in Part 2 of Schedule 3, or traffic in or possess such wildlife taken from a park.
- Offence (4) Every person who contravenes subsection (3) is guilty of an offence and liable
- (a) on summary conviction, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding six months or to both; or
- (b) on conviction on indictment, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding five years or to both.
- Definitions (5) The definitions in this subsection apply in this section.
- "hunt" « *chasser* » "hunt" means to kill, injure, seize, capture or trap, or to attempt to do so, and includes to pursue, stalk, track, search for, lie in wait for or shoot at for any of those purposes.
- "possess" « *possession* » "possess", in relation to any person, includes knowingly having any thing in any place, whether or not that place belongs to or is occupied by the person, for his or her own use or benefit or for that of another person.
- "wildlife" « *animal sauvage* » "wildlife", in relation to any species named in Schedule 3, includes any part of an individual of the species, and their eggs and embryos.
- Amendments to Schedule 3 (6) The Governor in Council may, by regulation, amend Part 1 or 2 of Schedule 3 by adding the name of any species of wild mammal, amphibian, reptile, bird, fish or invertebrate or by deleting the name of any species.
- Fines cumulative 27. (1) A fine imposed for an offence involving more than one animal, plant or object may be calculated in respect of each one as though it had been the subject of a separate information and the fine then imposed is the total of that calculation.
- Continuing offences (2) If a contravention of this Act or the regulations is committed or continued on more than one day, it constitutes a separate offence for each day on which it is committed or continued.
- Subsequent offence (3) Where a person is convicted of an offence under this Act a second or subsequent time, the amount of the fine for the subsequent offence may, notwithstanding subsection 24(1), (2) or (3), 25(2) or 26(2) or (4), be double the amount set out in that subsection.
- Forfeiture 28. (1) When a person is convicted of an offence, the court may, in addition to any punishment imposed, order that any seized thing by means of or in relation to which the offence was committed, or any proceeds of its disposition, be forfeited to Her Majesty in right of Canada.
- Return where no forfeiture ordered (2) If the court does not order the forfeiture, the seized thing or the proceeds of its disposition shall be returned or paid to its lawful owner or the person lawfully entitled to it.
- Retention or sale (3) Where a fine is imposed on a person convicted of an offence, any seized thing, or any proceeds of its disposition, may be retained until the fine is paid or the thing may be sold in satisfaction of the fine and the proceeds applied, in whole or in part, in payment of the fine.
- Disposition by Minister 29. Any seized thing that has been forfeited under this Act to Her Majesty in right of Canada or abandoned by its owner may be dealt with and disposed of as

the Minister may direct.

Orders of court 30. (1) When a person is convicted of an offence under this Act, the court may, in addition to any punishment imposed and having regard to the nature of the offence and the circumstances surrounding its commission, make an order

- (a) prohibiting the person from doing any act or engaging in any activity that may, in the opinion of the court, result in the continuation or repetition of the offence;
- (b) directing the person to take any action that the court considers appropriate to remedy or avoid any harm to any resources of a park that resulted or may result from the commission of the offence;
- (c) directing the person to pay the Minister an amount of money as compensation, in whole or in part, for the cost of any remedial or preventive action taken by the Minister as a result of the commission of the offence;
- (d) directing the person to post a bond or pay into court an amount of money that the court considers appropriate for the purpose of ensuring compliance with any prohibition, direction or requirement mentioned in this section; or
- (e) requiring the person to comply with any other conditions that the court considers appropriate.

Suspended sentence (2) Where a person is convicted of an offence under this Act and the court suspends the passing of sentence under paragraph 731(1)(a) of the *Criminal Code*, the court may, in addition to any probation order made under that paragraph, make an order referred to in subsection (1).

Imposition of sentence (3) If a person does not comply with an order made under subsection (2) or is convicted of another offence, the court may, within three years after the order was made, on the application of the prosecution, impose any sentence that could have been imposed if the passing of sentence had not been suspended.

Limitation or prescription 31. (1) Proceedings by way of summary conviction may be commenced not later than two years after the day on which the subject-matter of the proceedings becomes known to the Minister.

Minister's certificate (2) A document purporting to have been issued by the Minister, certifying the day on which the subject-matter of any proceedings became known to the Minister, is admissible in evidence without proof of the signature or official character of the person appearing to have signed the document and is evidence of the matters asserted in it.

MITIGATION OF ENVIRONMENTAL DAMAGE

Pollution clean-up 32. (1) Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.

Powers of superintendent and Minister (2) If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct

those measures to be taken on behalf of Her Majesty in right of Canada.

Expenses of clean-up

(3) A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.

PARK COMMUNITIES

Preparation of community plan

*33. (1) A community plan for each park community shall be tabled in each House of Parliament as soon as possible after this section comes into force, accompanied in the case of the town of Banff by any zoning by-laws made under the agreement referred to in section 35.

*[Note: Section 33 in force February 19, 2001, see SI/2001-29.]

Contents of community plan

(2) A community plan for a park community must

(a) be consistent with the management plan for the park in which the park community is located;

(b) accord with any guidelines established by the Minister for appropriate activities within the park community;

(c) provide a strategy for the management of growth within the park community; and

(d) be consistent with principles of

(i) no net negative environmental impact, and

(ii) responsible environmental stewardship and heritage conservation.

Elements to be included

(3) A community plan, or the zoning by-laws referred to in subsection (1) and tabled with it, must include

(a) a description of the lands comprising the park community;

(b) a description of the lands comprising the commercial zones of the park community; and

(c) a measure of the maximum floor area permitted within the commercial zones of the park community.

Amendment of Schedule 4

(4) Subject to section 34, the Governor in Council may, by order, add the description of a park community, the description of its commercial zones and a measure of their maximum floor area referred to in subsection (3) to columns 2, 3 and 4, respectively, of Schedule 4, opposite the name of the community set out in column 1 of that Schedule, but any description or measure so added is not subject to amendment by the Governor in Council.

Leases, licences, etc.

(5) No lease or licence of occupation may be granted, and no permit, licence or other authorization may be issued, authorizing a commercial use of lands within a commercial zone of a park community if the maximum floor area for commercial zones specified for that park community in Schedule 4 would be exceeded as a

	result of that use.
Additions to be tabled and referred	34. (1) Before additions are made to Schedule 4 under subsection 33(4), the proposed additions shall be tabled in each House of Parliament, and on tabling they stand referred to the standing committee of each House that normally considers matters relating to parks or to any other committee that that House may designate for the purposes of this section.
Disapproval by committee	(2) The committee of each House may, within 30 sitting days after the proposed additions to Schedule 4 are tabled, report to the House that it disapproves the additions, in which case a motion to concur in the report shall be put to the House in accordance with its procedures.
Disposition of motion for concurrence	(3) The motion shall be debated for not more than three hours and disposed of in accordance with the procedures of the House.
Additions allowed	(4) Proposed additions to Schedule 4 may be made if 31 sitting days have elapsed after the tabling of the additions in both Houses and no motion referred to in subsection (2) has been proposed in either House.
Additions not allowed	(5) Proposed additions to Schedule 4 may not be made if either House passes a motion referred to in subsection (2).

PROVISIONS FOR PARTICULAR PARKS

Banff local government	35. The Governor in Council, having authorized the Minister to enter into the Town of Banff Incorporation Agreement dated December 12, 1989, being an agreement for the establishment of a local government body for the town of Banff in Banff National Park of Canada, and to entrust to that body the local government functions specified in the Agreement, may authorize the Minister to further amend the Agreement.
Lands for ski facilities	36. (1) No lease or licence of occupation may be granted for the purpose of commercial ski facilities on public lands in a park except within a commercial ski area described in Schedule 5.
Designation of ski areas	(2) The Governor in Council may, by order, add to Schedule 5 the name and a description of a commercial ski area in the vicinity of Sunshine Village in Banff National Park of Canada, but that Schedule is not otherwise subject to amendment by the Governor in Council.
Wildlife Advisory Board	37. (1) The Governor in Council may, by order, constitute a Wildlife Advisory Board for the traditional hunting grounds of Wood Buffalo National Park of Canada.
Hunting, trapping and fishing permits	(2) Notwithstanding any regulations made under section 17, permits for hunting, trapping and fishing by members of the Cree Band of Fort Chipewyan in the traditional hunting grounds of Wood Buffalo National Park of Canada shall be issued in accordance with regulations of the Wildlife Advisory Board.
Regulations	(3) The Wildlife Advisory Board may, subject to the approval of the Governor in Council, make regulations respecting <ul style="list-style-type: none"> (a) the issuance, amendment and revocation, by the superintendent of the Park, of permits for hunting, trapping and fishing by members of the Cree Band of Fort Chipewyan in the traditional hunting grounds of the Park; (b) the qualifications for such permits; and (c) the number of such permits that may be issued.

Traditional hunting grounds

(4) For the purposes of this section, the traditional hunting grounds of Wood Buffalo National Park of Canada consist of the lands shown on Plan 72702 in the Canada Lands Surveys Records at Ottawa, a copy of which is filed in the Land Titles Office at Edmonton under number 902-0325, which lands contain 8869 square kilometres (886 894 hectares).

Amendment of park descriptions

38. (1) Notwithstanding subsection 5(2) and section 13, the Governor in Council may, by order,

(a) amend or replace the description of Wood Buffalo National Park of Canada in Schedule 1 for the purpose of withdrawing from that Park any lands in the vicinity of Garden River in the province of Alberta that may be required for the establishment of an Indian reserve;

(b) amend or replace the description of Wood Buffalo National Park of Canada in Schedule 1, in accordance with an agreement between Canada and the Salt River First Nation or with any first nation formed from the division of that First Nation, for the purpose of withdrawing from that Park any lands that may be required for purposes of entitlement to land under Treaty Number Eight between Her Majesty the Queen and the Cree, Beaver, Chipewyan and other Indians;

(c) amend or replace the description of Riding Mountain National Park of Canada in Schedule 1 for the purpose of withdrawing from that Park the east half of Section 8 in Township 20, Range 19, for purposes of settling a claim of the Keeseekoowenin Band; or

(d) amend or replace the description of Wapusk National Park of Canada in Schedule 1, in accordance with the agreement between Canada and Manitoba respecting the establishment of that Park, for the purpose of withdrawing from the Park any lands that may be required for purposes of entitlement to land under

(i) Treaty Number Five between Her Majesty the Queen and the Saulteaux and Swampy Cree Tribes of Indians at Berens River, or

(ii) the Northern Flood Agreement concluded on December 16, 1977 between Canada, Manitoba, the Manitoba Hydro-Electric Board and the Northern Flood Committee, Inc.

Lands not required

(2) Lands withdrawn from Wood Buffalo National Park of Canada or Wapusk National Park of Canada pursuant to subsection (1) are declared to be no longer required for park purposes.

PARK RESERVES

Application of Act to reserves

39. Subject to sections 40 and 41, this Act applies to a park reserve as if it were a park.

Aboriginal resource harvesting

40. The application of this Act to a park reserve is subject to the carrying on of traditional renewable resource harvesting activities by aboriginal persons.

Agreement re Gwaii Haanas

41. (1) The Governor in Council may authorize the Minister to enter into an agreement with the Council of the Haida Nation respecting the management and operation of Gwaii Haanas National Park Reserve of Canada.

Resource harvesting

(2) For the purpose of implementing an agreement referred to in subsection (1),

- and cultural activities the Governor in Council may make regulations, applicable in the Gwaii Haanas National Park Reserve of Canada, respecting the continuance of traditional renewable resource harvesting activities and Haida cultural activities by people of the Haida Nation to whom subsection 35(1) of the *Constitution Act, 1982* applies.
- Additions to reserve (3) Pending the resolution of the disputes outstanding between the Haida Nation and the Government of Canada respecting their rights, titles and interests in or to the Gwaii Haanas Archipelago, the Governor in Council may, by order, alter the description of Gwaii Haanas National Park Reserve of Canada in Schedule 2 for the purpose of adding to the Reserve any portion of the Gwaii Haanas Archipelago as described in Schedule VI to the *National Parks Act*, chapter N-14 of the Revised Statutes of Canada, 1985, as that Act read immediately before its repeal.
- Non-application of section 7 (4) Section 7 does not apply in relation to the enlargement of Gwaii Haanas National Park Reserve of Canada in accordance with subsection (3).

NATIONAL HISTORIC SITES OF CANADA

- Lands set apart **42.** (1) The Governor in Council may set apart any land, the title to which is vested in Her Majesty in right of Canada, as a national historic site of Canada to which this Act applies in order to
- (a) commemorate a historic event of national importance; or
- (b) preserve a historic landmark, or any object of historic, prehistoric or scientific interest, that is of national importance.
- Changes to boundaries (2) The Governor in Council may make any changes that the Governor in Council considers appropriate in areas set apart under subsection (1).
- Application of this Act (3) The Governor in Council may, by order, extend the application of subsection 8(1), section 11, except as it relates to zoning, and sections 12 and 16 to 32 to national historic sites of Canada.

REPEALS

43. to 46. [Repeals]

CONSEQUENTIAL AMENDMENTS

47. to 56. [Amendments]

57. [Repealed, 2001, c. 34, s. 24. Repeal is deemed to have come into force on February 18, 2001.]

58. to 67. [Amendments]

CONDITIONAL AMENDMENTS

68. to 70.1 [Amendments]

COMING INTO FORCE

- Coming into force ***71.** (1) Subject to subsections (2) to (4), this Act, other than sections 68 to 70.1, comes into force on a day to be fixed by order of the Governor in Council.

Coming into force (2) Paragraph 17(1)(b) and the description of Wapusk National Park of Canada in Part 4 of Schedule 1 come into force on a day to be fixed by order of the Governor in Council.

Coming into force (3) Paragraph 17(1)(c) and the description of Gros Morne National Park of Canada in Part 10 of Schedule 1 come into force on a day to be fixed by order of the Governor in Council.

Coming into force (4) The description of Aulavik National Park of Canada in Part 12 of Schedule 1 comes into force on a day to be fixed by order of the Governor in Council.

*[Note: Sections 68 to 70.1 in force on assent October 20, 2000; sections 1 to 16, section 17, other than paragraphs (1)(b) and (c), sections 18 to 67, Schedule 1, including the description of Aulavik National Park of Canada in Part 12, but excluding the descriptions of Wapusk National Park of Canada in Part 4 and Gros Morne National Park of Canada in Part 10 of Schedule 1, and Schedules 2 to 5 in force February 19, 2001, see SI/2001-29.]

SCHEDULE 1

(Sections 2, 5, 6, 7 and 38)

NATIONAL PARKS OF CANADA PART 1--BRITISH COLUMBIA

(1) GLACIER NATIONAL PARK OF CANADA

All latitudes and longitudes hereinafter are referred to the North American Datum of 1927; all topographic features hereinafter are according to Edition 1 of Map Compilation and Reproduction map sheet MCR 219 (Mount Revelstoke and Glacier National Parks) compiled from 1:50,000 National Topographic System Maps 82N/3, 82N/4, 82N/5, 82N/6, 82L/16 and 82M/1 and information supplied by Environment Canada Parks; said MCR map sheet produced at a scale of 1:70,000 by the Surveys and Mapping Branch, Energy, Mines and Resources Canada, 1987;

In the Province of British Columbia;

In Kootenay District;

All that parcel of land more particularly described as follows:

Commencing at the summit of Mount McNicoll at approximate latitude 51°27' and approximate longitude 117°35';

Thence northeasterly along the watershed boundary separating the watershed area of Alder Creek from that of Mountain Creek, to the D.L.S. rock post marked N.P.1 (at the end of the ridge); said post as shown on Plan 43227 recorded in the Canada Lands Surveys Records at Ottawa, a copy of which is filed in the Land Title Office at Nelson as D.F. 23534;

Thence on an approximate bearing of 84°18'18", a distance of about 8494.6 metres (27,869.4 feet) along the consecutive courses of part of the boundary of Glacier National Park to D.L.S. old pattern iron post marked N.P.4 as shown on said Plan 43227 in said records; said post being at the northerly extremity of Prairie

Hills;

Thence southerly, southeasterly, southerly and westerly along the sinuosities of the easterly boundary of the watershed area of Beaver River through the summits of Heather Mountain, Dauntless Mountain, Dawn Mountain and Moonraker Peak to Standard B.C. pipe post #1 at the summit of Copperstain Mountain as shown on Plan 76890 in said records, a copy of which is filed in said office as NEP 21973;

Thence generally westerly along the consecutive courses of part of the boundary of said park to Standard B.C. pipe post #43 at Busstop Ridge as shown on said Plan 76890 in said records;

Thence generally southerly along the consecutive courses of part of the boundary of said park as shown on Plans 76891, 76892, 76893, 76894, 76895 and 76896 respectively in said records, to Standard B.C. pipe post #290 at the summit of Caribou Peak as shown on Plan 76896 in said records, a copy of each of which plan is filed in said office as NEP 21974, NEP 21975, NEP 21976, NEP 21977, NEP 21978 and NEP 21979 respectively;

Thence southerly and westerly along the sinuosities of the boundary of the watershed area of Beaver River and through monuments placed on said boundary at stations 557, 534, 518, 508, 502, 580 and 593, to a Standard B.C. rock post at station 593; said stations as shown on Plan 66542 in said records, a copy of which is filed in said office as B101;

Thence continuing westerly and northerly along the sinuosities of the boundary of the watershed area of Beaver River around the head of said watershed area through the summits of Mount Duncan, Beaver Mountain, Sugarloaf Mountain and Grand Mountain to the summit of Mount Wheeler at approximate latitude $51^{\circ}06'$ and approximate longitude $117^{\circ}23'$;

Thence generally westerly along the sinuosities of the summit of the ridge running through the summits of Mount Kilpatrick, Pristine Mountain and Vestal Mountain to the summit of Purity Mountain at approximate latitude $51^{\circ}06'$ and approximate longitude $117^{\circ}28'$;

Thence continuing generally southerly, westerly and northwesterly along the sinuosities of the summit of the ridge leading to and along Van Horne N  v   and through the summits of Findhorn Peak and Mount McBean to the Standard B.C. rock post at the summit of Tomatin Peak; said post as shown on Plan 74513 in said records, a copy of which is filed in said office as F383;

Thence on an approximate bearing of $252^{\circ}27'00''$ along the consecutive courses of part of the boundary of said park to the Standard B.C. rock post at the summit of Hope Peak as shown on said Plan 74513 in said records;

Thence westerly along the summit of the ridge running from Hope Peak to its intersection with the westerly boundary of the watershed area of Incomappleux River; said intersection situated at the summit of Charity Peak at approximate latitude $51^{\circ}04'$ and approximate longitude $117^{\circ}39'$;

Thence westerly and northerly along the sinuosities of the westerly boundary of the watershed area of Incomappleux River running through the summits of Faith Peak, Virtue Mountain, Patience Mountain and Fortitude Mountain to its intersection with the boundary separating the watershed area of Illecillewaet River from that of Incomappleux River; said intersection shown as "Summit 7631 Glacier

Park Map 1923, 7641 Glacier Park Map 1934" on Plan 39230 in said records;

Thence on an approximate bearing of 353°24'27" along the consecutive courses of part of the boundary of said park to the point shown as "Summit 7434 Donald Sheet, 7424 Glacier Park Map 1923" on said Plan 39230 in said records;

Thence generally northerly and northwesterly along the sinuosities of the easterly boundary of the watershed area of Tangier River running through the summits of Fidelity Mountain and Mount Carson to the summit of Sorcerer Mountain at approximate latitude 51°27' and approximate longitude 117°55';

Thence generally northeasterly, southeasterly and easterly along the sinuosities of the westerly and northerly boundaries of the watershed area of Mountain Creek running through the summit of Nordic Mountain to the point of commencement;

Said parcel containing about 1349 square kilometres.

(2) YOHO NATIONAL PARK OF CANADA

All that parcel of land in the Province of British Columbia more particularly described as follows:

Commencing at the summit of Neptuak Mountain in approximate latitude 51°18'29" and approximate longitude 116°15'25", said summit being on the easterly boundary of the Province of British Columbia;

Thence westerly in a straight line across the valley of Tokumm Creek to the summit of a peak in approximate latitude 51°18'02" and approximate longitude 116°17'22";

Thence southwesterly in a straight line across the valley of Misko Creek to the summit of a peak in approximate latitude 51°16'36" and approximate longitude 116°20'43";

Thence southerly in a straight line across the valley of Ottertail River to the summit of a peak in approximate latitude 51°14'37" and approximate longitude 116°21'30";

Thence southerly in a straight line to the summit of a peak in approximate latitude 51°12'49" and approximate longitude 116°21'36";

Thence southerly in a straight line to the summit of a peak on the height of land which divides the watershed area of Kicking Horse River from that of Vermilion River, the last aforesaid summit being in approximate latitude 51°12'10" and approximate longitude 116°21'27" as said summits and lines are shown on the Lake Louise and Mount Goodsire map sheets, numbers 82N/8W and 82N/1W respectively, of the National Topographical System, copies of which are of record numbers 51112 and 51113 respectively in the Canada Lands Surveys Records at Ottawa;

Thence in a general southwesterly direction and following the crest of the spur ridge which divides the watershed of Moose Creek from that of Ice River throughout all its sinuosities to the summit of a peak marked 9687;

Thence in a straight line to a point on the right bank of Ice River opposite the point at which the most southerly tributary shown on said map enters Ice River

from the east side;

Thence following said right bank of Ice River downstream to its confluence with Beaverfoot River;

Thence following the right bank of said Beaverfoot River downstream to its intersection with the north boundary of Township twenty-five, Range nineteen West of the fifth Meridian or said boundary produced easterly;

Thence west along said north boundary and the production thereof to the southeast corner of Section four in Township twenty-six, Range nineteen;

Thence north along the east boundary of said Section four to its intersection with the left bank of Kicking Horse River;

Thence in a general northwesterly direction and following throughout the left bank of Kicking Horse River to its intersection with the east boundary of Township twenty-six, Range twenty, West of the fifth Meridian;

Thence north along said east boundary of Township twenty-six to its intersection with the summit of a well defined ridge dividing the watershed of Porcupine Creek from that part of Kicking Horse River which lies west of said east boundary;

Thence in a general northerly direction along the summit of the height of land which forms the westerly boundary of the watershed area of that part of Kicking Horse River which lies upstream from the east boundary of said Township twenty-six, and following all the sinuosities of said height of land to its intersection with the summit of Mount Rhondda which mountain is also a point of the summit of the Rocky Mountains forming the easterly boundary of the Province of British Columbia;

Thence in a general southeasterly direction and following the said summit of the Rocky Mountains throughout all its sinuosities to the point of commencement;

Said parcel containing an area of approximately 131 312.0685 hectares.

(3) MOUNT REVELSTOKE NATIONAL PARK OF CANADA

In British Columbia;

In Kootenay District;

In the former Railway Belt;

That parcel of land more particularly described as follows:

Firstly,

In accordance with a plan recorded in the Canada Lands Surveys Records at Ottawa under number 43402, a copy of which has been filed in the Land Title Office at Kamloops under number D.F. 23953:

Commencing at the northwest corner of Legal Subdivision 8, Section 34,

Township 23, Range 2, West of the 6th Meridian;

Thence easterly following the northerly boundaries of the south halves of Sections 34, 35 and 36 in said Township 23 and Section 31, Township 23, Range 1, West of the 6th Meridian, to the northeast corner of the south half of said Section 31;

Thence northerly following the east boundaries of said Section 31 and Section 6, in Township 24, in said Range 1, to the northwest corner of Section 5, in said Township 24;

Thence easterly following the north boundaries of Sections 5, 4 and 3 in said Township 24, to the northeast corner of said Section 3;

Thence northerly following the west boundary of Section 11, in said Township 24 to the northwest corner of said Section 11;

Thence easterly following the north boundary of said Section 11 to the northeast corner of said Section;

Secondly,

In accordance with Plan of Lot 3643, recorded under number 63656 in said Records, being a copy of the Official Plan confirmed under Section 63, Land Act, at Victoria, B.C., November 30, 1977 and numbered as F.B. 18077:

Continuing from the northeast corner of said Section 11;

Thence easterly following the northerly boundaries of Legal Subdivisions 13, 14, 15 and 16 of Section 12 in said Township 24, to the northeast corner of said Section 12;

Thence easterly along said north boundary of Legal Subdivision 16 and its easterly production to its intersection with the right bank of Clachnacudainn Creek;

Thirdly,

In accordance with said Plan 43402 in said Records:

Continuing from said intersection;

Thence southerly following the right bank of said Clachnacudainn Creek to the right bank of Illecillewaet River;

Thence northeasterly following the right bank of Illecillewaet River to the right bank of Woolsey Creek, formerly Silver Creek;

Thence northwesterly following the right bank of Woolsey Creek to the right bank of Maunder Creek;

Thence westerly and southwesterly following the right bank of Maunder Creek and its southwesterly production to the easterly limit of the watershed of La Forme Creek;

Thence southerly and westerly along the easterly and southerly limits of the watershed of La Forme Creek to and along the southerly limit of the watershed of Martha Creek to the north boundary of Section 13, Township 25, Range 2, West of the 6th Meridian;

Thence westerly following the north boundary of said Section 13 to its northwest corner;

Thence southerly following the west boundaries of Sections 13, 12 and 1 in said Township 25 and Section 36, 25 and 24, Township 24, in said Range 2 to the southwest corner of said Section 24;

Thence westerly following the north boundary of Section 14 in said Township 24 to the northwest corner of the northeast quarter of said Section 14;

Thence southerly following the west boundary of said northeast quarter Section to the southwest corner of said northeast quarter of said Section 14;

Fourthly,

In accordance with Plans 63417 and 67619 in said Records:

Continuing from the southwest corner of said northeast quarter of Section 14;

Thence on a bearing S45°13'10"W a distance of 1,149.83 metres to the southwest corner of said Section 14;

Thence on a bearing S45°13'50"W a distance of 1,148.94 metres to the southeast corner of Legal Subdivision 11 of Section 10, in said Township 24;

Thence on a bearing S45°23'30"W a distance of 575.98 metres to the northwest corner of Legal Subdivision 3 of said Section 10;

Fifthly,

In accordance with Plan 29235 in said records, being a copy of the plan of the southeast quarter Township 24, Range 2, West of the 6th Meridian:

Continuing from the northwest corner of said Legal Subdivision 3 of Section 10;

Thence southerly following the west boundary of said Legal Subdivision 3, and the west boundary of Legal Subdivision 14 of Section 3, to a point on said west boundary of Legal Subdivision 14 being the southeast corner of the north half of Legal Subdivision 13 of Section 3;

Thence on a bearing of 270°01'20" following the southerly boundary of said north half of Legal Subdivision 13, for a distance of about 254.69 metres to the northeast corner of Parcel A as shown on Plan 63325 in said records, a copy of which is deposited under number 10887 in said office;

Thence on a bearing of 200°58'45" following the easterly boundary of said Parcel A, for a distance of about 51.55 metres to a point of deflection on said easterly boundary;

Thence on a bearing of 192°17'15" following the easterly boundary of said Parcel A, for a distance of about 133.06 metres to a point of deflection on said easterly boundary;

Thence on a bearing of 203°48'30" following the easterly boundary of said Parcel A, for a distance of about 137.24 metres to a point of deflection on said easterly boundary;

Thence on a bearing of 183°40'25" following the easterly boundary of said Parcel A, for a distance of about 101.03 metres to a point of deflection on said easterly boundary;

Thence on a bearing of 179°50'40" following the easterly boundary of said Parcel A, for a distance of about 101.40 metres to the southeast corner of said Parcel A, being a point on the southerly boundary of the north half of the south half of Legal Subdivision 12 of Section 3 as shown on said Plan 63325;

Thence on a bearing of 90°09'55" following said southerly boundary of the north half of the south half of Legal Subdivision 12, for a distance of about 151.63 metres to a point on said southerly boundary being the northwest corner of the south half of the southeast quarter of said Legal Subdivision 12;

Thence on a bearing of 181°13'30" following the westerly boundary of said south half of the southeast quarter of Legal Subdivision 12, for a distance of about 101.47 metres to the southwest corner of said south half of the southeast quarter of Legal Subdivision 12, as shown on Plan 41266 in said records, a copy of which is deposited under number DF20351 in said office;

Thence on a bearing of 90°12'30" following the southerly boundary of said south half of the southeast quarter of Legal Subdivision 12, for a distance of about 33.63 metres, as shown on said Plan 41266, to a point being the northwest corner of part of the southwest quarter of Section 3 as shown on Plan 41269 in said records, a copy of which is deposited under number DF20353 in said office;

Thence on a bearing of 180°00'00" following the westerly boundary of said part of the southwest quarter of Section 3, for a distance of about 204.95 metres to the southwest corner of said part of the southwest quarter of Section 3, as shown on said Plan 41269;

Thence on a bearing of 89°58'00" following the southerly boundary of said part of the southwest quarter of Section 3, for a distance of about 162.31 metres to a point on said southerly boundary as shown on Plan 43402 in said records, a copy of which is deposited under number DF23953 in said office;

Thence on a bearing of 177°40'00", for a distance of about 604.02 metres to the southeasterly corner of Legal Subdivision 4 of Section 3, as shown on said Plan 43402;

Thence on a bearing of 270°04'00" following the southerly boundary of Legal Subdivision 4, for a distance of about 151.24 metres to the northeasterly corner of Parcel B as shown on Plan 63326 in said records, a copy of which is deposited under number 10888 in said office;

Thence on a bearing of 169°30'10" following the easterly boundary of said Parcel B, for a distance of about 128.02 metres, to a point of deflection in said

easterly boundary;

Thence on a bearing of 111°20'00" following the easterly boundary of said Parcel B, for a distance of about 124.97 metres to a point of deflection in said easterly boundary;

Thence on a bearing of 190°55'20" following the easterly boundary of said Parcel B, for a distance of about 30.48 metres to the southeasterly corner of said Parcel B, said point being on a curve of radius 695.25 metres as shown on said Plan 63326;

Thence southeasterly following said curve of radius 695.25 metres, to the right, a distance along the curve of about 100.88 metres to a point on the curve as shown on said Plan 63326;

Thence continuing southeasterly following said curve of radius 695.25 metres, to the right, a distance along the curve of about 128.29 metres to the tangential end of curve as shown on Plan 43405 in said records;

Thence on a bearing of 133°36'30", for a distance of about 397.85 metres as shown on said plan 43405, to the most northerly corner of Lot 100, as shown on Plan 765 deposited in said office, a copy of which is recorded as Plan 43208 in said records;

Thence on a bearing of 223°36'30" following the northwesterly boundary of said Lot 100, for a distance of about 70.71 metres to the most westerly corner of said Lot 100, as shown on said Plan 43405;

Thence on a bearing of 133°36'30" following the southwesterly boundary of said Lot 100 and the southwesterly boundary of Lot 99 on said Plan 43208, for a distance of about 99.06 metres to a point on said southwesterly boundary of Lot 99 being the most northerly corner of Lot 102 on said Plan 43208, as shown on said Plan 43405;

Thence on a bearing of 223°36'30" following the northwesterly boundary of said Lot 102, for a distance of about 11.01 metres to the most northerly corner of Parcel A as shown on Plan 67155 in said records, a copy of which is deposited as Plan P24400 in said office;

Thence on a bearing of 132°01'50" following the northeasterly boundary of said Parcel A to its intersection with the westerly production of the northerly boundaries of Lots 86 and 87 on said Plan 43208;

Thence easterly on the westerly production of the northerly boundaries of said Lots 86 and 87 to the most westerly corner of said Lot 86;

Thence southeasterly following the southwesterly boundaries of said Lots 86 and 87 as shown on said Plan 43208 to the most southerly corner of said Lot 87;

Thence northeasterly following the southeasterly boundary of said Lot 87 to the most easterly corner of Lot 87, said corner being on the northerly boundary of Lot 88 on said Plan 43208;

Thence on a bearing of 99°30'00" following the northerly boundary of said Lot 88, for a distance of about 9.94 metres to the northeasterly corner of said Lot 88,

being a point on the easterly boundary of Legal Subdivision 7 of Section 34, Township 23, Range 2, West of the 6th Meridian as shown on Plan 43015 in said records;

Thence on a bearing of 0°35'00" following the easterly boundary of said Legal Subdivision 7, for a distance of about 136.12 metres, as shown on said Plan 43015, to the northeast corner of said Legal Subdivision 7, being the point of commencement.

(4) KOOTENAY NATIONAL PARK OF CANADA

All that parcel of land in the Province of British Columbia more particularly described as follows:

Commencing at the summit of Neptuak Mountain in approximate latitude 51° 18'29" and approximate longitude 116°15'25", said summit being on the easterly boundary of the Province of British Columbia;

Thence southerly along the said Interprovincial boundary to monument numbered 14-C;

Thence in a general south-southeasterly direction along the height of land which divides the watershed area of Simpson River and Verdant Creek to the summit of Monarch Mountain;

Thence in a general southerly direction and following the sinuosities of the above described height of land to an outlying peak of Monarch Mountain distant approximately 1.609 kilometres from the summit of said Mountain;

Thence westerly along a sharply defined ridge an estimated distance of 502.92 metres to a stone cairn;

Thence in a straight line across the valley of Verdant Creek a distance of 2187.762 metres more or less on a bearing of 199°06' to a stone cairn;

Thence in a general southwesterly direction along the line of local watershed to the summit of Mount Shanks on Hawk Ridge;

Thence in a general southeasterly direction along the crest of Hawk Ridge to a stone cairn;

Thence in a straight line a distance of 1214.793 metres more or less on a bearing of 191°20' to a stone cairn on the right bank of Simpson River;

Thence in a straight line a distance of 1575.407 metres more or less on a bearing of 160°35' to a stone cairn;

Thence southerly along a sharply defined line of watershed division to a camera station marked 8032 on the map of Kootenay Park, which camera station is on the point of a long ridge leading northwesterly from Octopus Mountain;

Thence in a straight line across the valley of Lachine Creek on a bearing of 229°34' to a stone cairn, said cairn being about 891.174 metres west of Lachine Creek measured along said straight line;

Thence in a general southwesterly direction along a well-defined line of watershed division to intersect the crest of Mitchell Range;

Thence in a general southerly direction along the crest of Mitchell Range to its intersection with the production of a straight line as the same is surveyed part way across the valley of Daer Creek, said straight line being marked on the ground by three stone cairns and having a southerly bearing of $150^{\circ}14'$;

Thence in a straight line across the valley of Daer Creek on said bearing of $150^{\circ}14'$ and on said line produced to its intersection with the crest of Mitchell Range;

Thence in a general south-southeasterly direction along the crest of Mitchell Range and following always that ridge of said Range from which there is direct westerly drainage into Kootenay River to a point on the north boundary of Group Lot 12064, said point being distant 629.857 metres more or less west from the northeast corner of said Lot;

Thence easterly along the north boundary of said Lot to the northeast corner thereof;

Thence southerly along the east boundaries of Group Lots 12064, 12062 and 12061 to the southeast corner of said Lot 12061;

Thence westerly and following the south boundary of said Lot 12061 and said south boundary produced to the left, or easterly, bank of Kootenay River;

Thence southerly along the easterly bank of Kootenay River to its intersection with the north boundary of the south half of Group Lot 11837 produced easterly across Kootenay River;

Thence westerly in a straight line to the easterly extremity of the north boundary of the south half of Group Lot 11837;

Thence continuing westerly in the same straight line and following the north boundaries of the south halves of Group Lots 11837 and 11838 respectively to the west boundary of said Lot 11838;

Thence southerly along said west boundary of Group Lot 11838 319.877 metres more or less to an iron bar in an earth mound;

Thence in a general westerly direction along a well-defined line of local watershed to a peak on the crest of Stanford Range, said peak being marked 8609 on the map of Kootenay Park;

Thence southwesterly across the summit of Kimpton Pass along the line of watershed between Kimpton and Shuswap Creek to a camera station marked 8335 on the map of Kootenay Park;

Thence southerly and westerly along the line of watershed between Stoddart and Shuswap Creeks to a wooden post in an earth mound planted at the intersection of said line of watershed with the north boundary of District Lot numbered 4596;

Thence west along the north boundary of said Lot 4596 to a stone cairn built at its intersection with the east boundary of Group Lot 9248, said point of intersection being distant 284.673 metres more or less north from the southeast corner of said Lot 9248;

Thence northerly along the east boundary of said Lot 9248 to the northeast corner of said Lot;

Thence westerly along the north boundary of said Lot 9248 to the southeast corner of Group Lot 8996;

Thence northerly along the east boundary of said Lot 8996 to the northeast corner of said Lot;

Thence westerly along the north boundary of said Lot 8996 to the northwest corner of said Lot;

Thence westerly along the north boundary of Group Lot 8208 to the southeast corner of Group Lot 8207;

Thence northerly along the east boundary of said Lot 8207 to the southwest corner of Group Lot 10114;

Thence easterly along the south boundary of said Lot 10114 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 10114 to the northwest corner of said Lot;

Thence westerly along the north boundary of said Lot 10114 to the northwest corner of said Lot, which point is also the southeast corner of Group Lot 9010;

Thence northerly along the east boundaries of Group Lots 9010 and 9560 to the northeast corner of said Lot 9560;

Thence westerly along the north boundary of said Lot 9560 to the northwest corner of said Lot, which point is also a point on the south boundary of Group Lot 9011;

Thence continuing westerly along the south boundary of said Lot 9011 to the southwest corner of said Lot;

Thence northerly along the west boundary of said Lot 9011 and said west boundary produced to its intersection with the south boundary of Group Lot 10112;

Thence easterly along the south boundary of said Lot 10112 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 10112 to the southwest corner of Group Lot 9577;

Thence easterly along the south boundary of said Lot 9577 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 9577 to the northeast corner of said Lot, which corner is a point on the south boundary of Group Lot 10720;

Thence easterly along the south boundary of said Lot 10720 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 10720 to the northeast corner of said Lot;

Thence westerly along the north boundary of said Lot 10720 to the northwest corner of said Lot, which corner is a point on the east boundary of Group Lot 9042;

Thence northerly along the east boundaries of Group Lots 9042 and 9043 to the northeast corner of said Lot 9043;

Thence westerly along the north boundary of said Lots 9043 to a point which is the southeast corner of Group Lot 9044;

Thence northerly 640.921 metres more or less to the northerly extremity of the most easterly boundary of said Lot 9044;

Thence westerly along the boundary of said Lot 9044 to the interior corner of said Lot;

Thence northerly along the boundary of said Lot 9044 to the easterly extremity of the most northerly boundary of said Lot 9044;

Thence in a general northeasterly direction and following the line of local watershed to a camera station marked 8170 on the map of Kootenay Park;

Thence in a general east-northeasterly direction and following the height of land which divides the watershed areas of Sinclair and Kindersley Creeks to a camera station marked 8807 on the map of Kootenay Park, which camera station is a point on the crest of the Brisco Range;

Thence in a general north-northwesterly direction and following the crest of said Brisco Range to a camera station marked 8640 on the map of Kootenay Park;

Thence northerly and easterly along a well-defined ridge forming the southerly confine of the Boyce Creek watershed area to the point of intersection of said ridge with the southerly production of a straight line having a bearing of 218°49' more or less from a stone cairn erected at a point on the west boundary of Group Lot 12053 distant 743.094 metres more or less south from the northwest corner of said Lot to a stone cairn distant 1102.22 metres more or less on said bearing from the first above mentioned cairn;

Thence in a straight line to said stone cairn on the west boundary of said Lot 12053;

Thence northerly along the west boundaries of Group Lots 12053 and 11165 to a point on the west boundary of said Lot 11165 which is also the southwest corner of Group 11187;

Thence easterly along the south boundary of said Lot 11187 to the southeast corner of said Lot;

Thence northerly along the east boundaries of Group Lots 11187, 11659 and 11390 to the northeast corner of said Lot 11390, which said corner is a point on the south boundary of Group Lot 11389;

Thence easterly along the south boundary of said Lot 11389 to the southeast corner of said Lot;

Thence northerly along the east boundary of said Lot 11389 to the northeast corner of said Lot;

Thence in a straight line on an approximate bearing of 33°01' to a stone cairn on the north side of Whitetail Creek 746.132 metres more or less from said northeast corner of Lot 11389;

Thence continuing in the same straight line to intersect the crest of the height of land between the right and left forks of Whitetail Creek;

Thence in a general northeasterly direction and following along the crest of the above described height of land to the summit of Mount Verendrye which is a peak of Vermilion Range;

Thence in a general northwesterly direction along the crest of the Vermilion Range to the summit of a peak on the height of land which divides the watershed area of Kicking Horse River from that of Vermilion River, at approximate latitude 51°12'10" and longitude 116°21'27", the last aforementioned summit, and all summits hereinafter, being on the southeasterly boundary of Yoho National Park and being shown on map sheets 82N/8W and 82N/1W of the National Topographical System, copies of which are of record numbers 51112 and 51113 respectively in the Canada Lands Surveys Records at Ottawa;

Thence northerly in a straight line to the summit of a peak at approximate latitude 51°12'49" and longitude 116°21'36";

Thence northerly in a straight line to the summit of a peak at approximate latitude 51°14'37" and longitude 116°21'30";

Thence northerly in a straight line across the Valley of Ottetail River to the summit of a peak at an approximate latitude 51°16'36" and longitude 116°20'43";

Thence northeasterly in a straight line across the Valley of Misko Creek to the summit of a peak at an approximate latitude 51°18'02" and longitude 116°17'22";

Thence easterly in a straight line across the Valley of Tokumm Creek to the summit of Neptuak Mountain in approximate latitude 51°18'29" and longitude 116°15'25", the last aforesaid summit being the point of commencement.

The said parcel comprising an area of 140 636 hectares.

PART 2--ALBERTA

(1) BANFF NATIONAL PARK OF CANADA

All and singular that certain parcel or tract of land situate, lying and being in the Province of Alberta and being more particularly described as follows:

Commencing at the point of junction of the Interprovincial Boundary between Alberta and British Columbia and the height of land that divides the watershed area of Spray River from that of Kananaskis River which said point occurs on Mount Sir Douglas in latitude 50°43', and longitude 115°20';

Thence in a general northerly direction and following throughout the said height of land to Mount Birdwood;

Thence continuing northerly along the height of land between the valley of Spray River and the valley of Smuts Creek through Mount Smuts and Mount Shark to a stone cairn on the summit of an isolated hill in latitude 50°51'30", and longitude 115°25', as said cairn is shown on Plan 42979 in the Canada Lands Surveys Records at Ottawa;

Thence on an astronomic bearing of 332°14' to a point on the natural contour at elevation of 1707 metres above sea level, as said contour is shown on said plan;

Thence southwesterly following the said natural contour a distance of 2408 metres, more or less, to its intersection with the right bank of the Spray River;

Thence across Spray River and northerly following the said natural contour a distance 1100 metres, more or less, to its intersection with the right bank of Bryant Creek;

Thence across Bryant Creek and northeasterly following the said natural contour a distance of 4900 metres approximately, to its intersection with a line having a bearing designated 9°48' and passing through a standards survey post numbered 3 and stone mound, as said line and post are shown on said plan;

Thence northerly along said line a distance of 2988.17 metres to a standard survey post numbered 4, cairn and park standard, situated northerly from the right bank of Spray River, as the last aforesaid post is shown on said plan;

Thence easterly and southerly, at a constant distance from and following the sinuosities of the right bank of Spray River, a distance of 1400 metres approximately, to a point on a line having a bearing designated 279°14' and passing through a cairn and park standard on the left canyon bank of Spray River, as the last aforesaid line cairn and standard are shown on said plan;

Thence easterly along the last aforesaid line to the most easterly cairn thereon, located on the crest of a sharply defined ridge of Mount Nestor, as the last aforesaid cairn is shown on said plan;

Thence northerly and following said crest to Mount Nestor;

Thence northerly and northwesterly following the crest of Goat Range to its intersection with a line having a bearing designated 197°24.5' from the southernmost summit of Mount Rundle in latitude 51°04'50" and longitude 115°25'15", as the last aforesaid line is shown on Plan 42980 in said records;

Thence northerly along the last aforesaid line a distance of 6366.4 metres, more or less, to said southernmost summit which is on the height of land that divides the watershed area of Spray River from that of Bow River;

Thence northwesterly following the height of land that divides the watershed area of Spray River from that of Bow River to the summit of Mount Rundle in latitude 51°07'20" and longitude 115°28';

Thence toward the summit of Mount Charles Stewart on a line having a bearing designated 69°48.8' to a standard post and stone mound on the south boundary of the northeast quarter of section 14 in township 25, range 11, west of the 5th Meridian, as the last aforesaid line and post are shown on Plan 38147 in said records;

Thence easterly along the south boundary of said quarter and the south boundaries of the northwest and northeast quarters of section 13, in said township, to a point on the east boundary of said section 13;

Thence northerly along said east boundary to a standard post, pits and mound on the last aforesaid line and 7.93 metres, more or less, south of the northeast corner of said section 13;

Thence northeasterly along the last aforesaid line to the summit of Mount Charles Stewart;

Thence northeasterly following the height of land which bounds the watershed area of Carrot Creek to the point at which it becomes the height of land that divides the watershed area of Lake Minnewanka from that of the South Fork of Ghost River;

Thence continuing along the last aforesaid height of land through Orient Point to a cairn in latitude 51°15'53" and longitude 115°09'50" as the last aforesaid cairn is shown on Plan 39223 in said records;

Thence northwesterly on a line having a bearing designated 347°37.8' to Devil's Fang Mountain on the height of land that forms part of the southerly limit of the watershed area of Ghost River, as the last aforesaid line is shown on the last aforesaid plan;

Thence westerly and northerly along the last aforesaid height of land through all its sinuosities to Mount Oliver;

Thence northerly along the height of land that forms the easterly limit of the watershed area of Dormer River to its intersection with a line having a bearing designated 135°00.7' from a cairn and park standard on the apparent summit of Dormer Mountain, as the last aforesaid line, cairn and standard are shown on Plan 39225 in said records;

Thence northwesterly along the last aforesaid line a distance of 6612.94 metres, more or less, to the last aforesaid cairn on said Dormer Mountain;

Thence in a straight line to an auxiliary cairn near the summit of Dormer Mountain, as said auxiliary cairn is shown on Plan 39226 in said records;

Thence on a line having a bearing designated 326°05' from said auxiliary cairn,

to a cairn on Barrier Mountain, as the last aforesaid line and cairn are shown on the last aforesaid plan;

Thence northwesterly along a well defined height of land to a cairn and park standard on the summit of Warden Rock, as the last aforesaid cairn and standard are shown on Plan 39227 in said records;

Thence along a line having a bearing designated as $289^{\circ}13.1'$ a distance of 2728.7 metres, more or less, to a cairn and park standard, as the last aforesaid cairn and standard are shown on the last aforesaid plan;

Thence continuing westerly along the last aforesaid line to the summit of a mountain in latitude $51^{\circ}42.5'$ and longitude $115^{\circ}44'$, said line being shown on said Plan 39227;

Thence northwesterly following the height of land that forms the easterly and northerly limit of the watershed of Tyrrell Creek, the northerly limit of the watershed of Divide Creek and the easterly limit of the watershed of Peters Creek to the summit of Condor Peak;

Thence northerly along a well defined ridge to the junction of a creek with Peters Creek in latitude $51^{\circ}49'$ and longitude $115^{\circ}57'$;

Thence northerly along the right bank of Peters Creek to its confluence with Clearwater River;

Thence crossing Clearwater River to its left bank and following the said bank upstream to its intersection with a line having a bearing designated $329^{\circ}23'$ and passing through a cairn and park standard in latitude $51^{\circ}50'48.2''$ and longitude $115^{\circ}59'00.8''$, as the last aforesaid line, cairn and standard are shown on Plan 39228 in said records;

Thence northwesterly along the last aforesaid line to the last aforesaid cairn;

Thence continuing approximately on the last aforesaid bearing along a line to a camera station numbered 265A, said station being a point on the height of land forming the easterly limit of the watershed area of Indianhead Creek, as said station and the last aforesaid line are shown on the last aforesaid plan;

Thence northwesterly along the last aforesaid height of land to its junction with the height of land between the watershed area of Clearwater River and the watershed areas of Ram and Siffleur Rivers;

Thence southwesterly along the last aforesaid height of land to the summit of Mount Kentigern;

Thence northwesterly along a sharply defined ridge between Siffleur River and one of its tributaries through a camera station numbered 300 to its intersection with a line having a bearing designated $261^{\circ}18.7'$ and passing through a cairn and park standard on the east side of Siffleur River, as the last aforesaid station, line, cairn and standard are shown on Plan 39229 in said records;

Thence westerly along the last aforesaid line to a camera station numbered 305, as the last aforesaid station is shown on the last aforesaid plan;

Thence westerly following a high rocky height of land through camera stations 306, 303 and 304 to camera station 308, the last aforesaid station being on the height of land forming the easterly limit of the watershed area of Mistaya River;

Thence northwesterly along the last aforesaid height of land to camera station 425 situate at the junction to the last aforesaid height of land with the height of land enclosing the watershed area of Murchison Creek;

Thence following the last aforesaid height of land through camera stations 426, 422, 421 and 420 and along the crest of a precipitous rock escarpment to a point on a line having a bearing designated $334^{\circ}57'30''$ and passing through a cairn and park standard in latitude $51^{\circ}59'21.8''$ and longitude $116^{\circ}39'35.4''$, as the last aforesaid line, cairn and park standard are shown on Plan 39224 in said records, and as said stations 306, 303, 304, 308, 425, 426, 422, 421 and 420 are shown on a map of Banff Park certified by A.O. Gorman for B.W. Waugh, Surveyor General of Dominion Lands, on February 9, 1949, and of record number 40427 in said records;

Thence along said line having a bearing of $334^{\circ}57'30''$ a distance of 2878.5 metres, more or less, to a cairn and park standard on the height of land forming the easterly limit of the watershed of Owen Creek, as the last aforesaid line, cairn and standard are shown on the last aforesaid plan;

Thence northerly following the last aforesaid height of land to its junction with the height of land forming the easterly limit of the watershed of North Saskatchewan River;

Thence northwesterly along the last aforesaid height of land to its junction with the heights of land between the headwaters of the Brazeau River and Cline River and between the Cline River and North Saskatchewan River, said junction being in the vicinity of Cataract Pass;

Thence southwesterly and northwesterly and continuing along the height of land forming the easterly limit of the watershed area of the North Saskatchewan River to a stone cairn erected by H.F. Lambert, Dominion Land Surveyor, in 1935, at the summit of Nigel Pass, as the last aforesaid cairn is shown on Plan 39221 in said records;

Thence westerly, southeasterly and southwesterly along the height of land between the watershed areas of North Saskatchewan and Athabasca Rivers to a cairn and park standard marking the northeasterly extremity of a line having a bearing designated as $58^{\circ}42.2'$, as the last aforesaid line, cairn and standard are shown on Plan 39222 in said records, the last aforesaid cairn and standard being on a well defined ridge overlooking Sunwapta Pass;

Thence southwesterly along the last aforesaid line a distance of 1130.7 metres, more or less, to a cairn and park standard, as the last aforesaid cairn and standard are shown on the last aforesaid plan;

Thence southwesterly along a line having a bearing designated as $218^{\circ}48'$ a distance of 654.5 metres, more or less, to a cairn and park standard, as the last aforesaid line, cairn and standard are shown on the last aforesaid plan;

Thence southwesterly along a line having a bearing designated as $235^{\circ}06'$ a distance of 813.2 metres, more or less, to a cairn and park standard, as the last

aforesaid line, cairn and standard are shown on the last aforesaid Plan 39222, the last aforesaid cairn and standard being on a well defined ridge of said height of land between the watershed areas of North Saskatchewan and Athabasca Rivers on the westerly side of Sunwapta Pass;

Thence continuing southwesterly and northwesterly along the last aforesaid height of land to the Snow Dome being a point on the Interprovincial Boundary between Alberta and British Columbia;

Thence southerly following the Interprovincial Boundary to the point of commencement;

Said parcel containing an area of approximately 6641 square kilometres, the boundaries herein described being shown on said map 40427 in said records.

(2) WATERTON LAKES NATIONAL PARK OF CANADA

In the Province of Alberta, all those parcels of land more particularly described under Firstly and Secondly, as follows:

Firstly, commencing at the northeast corner of Blood Indian Reserve 148A (formerly Blood Indian Reserve Timber Limit A) according to plan no. 4513 in the Canada Lands Surveys Records at Ottawa, a copy of which has been deposited in the Land Titles Office for the South Alberta Land Registration District at Calgary under no. 1714 H.I., said corner being at the intersection of the northerly boundary of section 28, township 1, range 28, west of the 4th Meridian and the left bank of Belly River according to said plan;

Thence easterly along the northerly boundaries of sections 28 and 27, including the road allowance, in said township to the northeast corner of said section 27;

Thence southerly along the easterly boundaries of sections 27, 22, 15, 10 and 3, including the road allowances, in said township to the International boundary between Canada and the United States;

Thence westerly along said International boundary to its intersection with the Interprovincial boundary between Alberta and British Columbia;

Thence northerly along said Interprovincial boundary to its intersection with the height of land known as Avion Ridge which separates the waters flowing into Bauerman Brook from the waters flowing into Castle River according to the map of Waterton Lakes Park filed in said office under no. 7673 Book E.X. Folio 203, a copy of which has been recorded in said Records under no. 40398;

Thence generally easterly along said Avion Ridge, on which are located Newman Peak and Mount Glendowan, to its intersection with Cloudy Ridge according to said map;

Thence generally northeasterly along said Cloudy Ridge to the headwaters of an unnamed small creek that flows into Yarrow Creek immediately west of Yarrow Cabin according to said map;

Thence generally northerly along the right banks of said creeks to the easterly boundary of section 16, township 3, range 30, west of the 4th Meridian;

Thence southerly along the easterly boundary of said section 16 and across the

road allowance to the northeast corner of section 9, in said township 3;

Thence easterly across the road allowance and along the northerly boundary of section 10, in said township 3, to the northeast corner of said section 10;

Thence southerly along the easterly boundary of said section 10 to its southeast corner;

Thence easterly across the road allowance and along the northerly boundary of section 2 in said township 3 to the northeast corner of the northwest quarter of said section 2;

Thence southerly along the easterly boundary of the west half of said section 2 to the southeast corner of said west half;

Thence on a bearing of $180^{\circ}07'$, a distance of 20.117 metres to a standard post on the northerly boundary of section 34, township 2, in said range 30;

Thence easterly along the northerly boundaries of sections 34, 35 and 36, including the road allowances, to the northeast corner of said section 36, in said township 2;

Thence southerly along the easterly boundaries of sections 36, 25 and 24, including the road allowance, to the southeast corner of section 24, in said township 2;

Thence easterly along the northerly boundaries of sections 18, 17 and 16, including the road allowances, to the northeast corner of section 16, township 2, range 29;

Thence southerly along the easterly boundaries of sections 16, 9 and 4, including the road allowance, to the southeast corner of section 4, township 2, range 29;

Thence southerly across the road allowance to the northeast corner of section 33, township 1, in said range 29;

Thence easterly across the road allowance and along the northerly boundary of section 34, in said township 1, to its northeast corner;

Thence southerly along the easterly boundary of said section 34 to its southeast corner;

Thence easterly along the northerly boundaries of sections 26 and 25, including the road allowances, to the northeast corner of said section 25 in said township 1;

Thence easterly across the road allowance and along the northerly boundary of section 30, township 1, range 28, to the northwest corner of said Indian Reserve;

Thence southerly along the westerly boundary of said Indian Reserve to its southwest corner;

Thence easterly along the southerly boundary of said Indian Reserve to its southeast corner, said corner being at the intersection of said limit and the left bank

of said Belly River according to said plan no. 4513;

Thence generally northerly along said left bank, according to said plan no. 4513 in said Records and to plan 55466 in said Records, a copy of which is registered as 6508 J.K. in said Office, to the point of commencement; as said parcel is shown on plan 50467 in said Records, a copy of which has been deposited under no. 171 J.K. in said Office;

Secondly, the whole of Parcel X and that part of Chief Mountain Highway right-of-way lying within the limits of said Indian Reserve according to plan RD 3817 in said Records, a copy of which has been filed under no. 2184 G.U. in said Office;

Said parcels containing together about 505 square kilometres (195 square miles).

(3) JASPER NATIONAL PARK OF CANADA

All and singular that certain parcel or tract of land situate, lying and being in the Province of Alberta and being more particularly described as follows:

Commencing at the Snow Dome, being a point at the intersection of the Interprovincial Boundary between Alberta and British Columbia and the height of land between the watershed areas of the North Saskatchewan and Athabasca Rivers, in latitude 52°11' and longitude 117°19';

Thence southeasterly and northeasterly along said height of land to a cairn and park standard being on a well defined ridge on the westerly side of Sunwapta Pass and marking the southwesterly extremity of a line having a bearing designated as 235°06' as said line, cairn and standard are shown on a plan by H.F. Lambert, Dominion Land Surveyor, dated 1935 and of record number 39222 in the Canada Lands Surveys Records at Ottawa;

Thence northeasterly along said line a distance of 813.2 metres, more or less, to a cairn and park standard, as the last aforesaid cairn and standard are shown on said plan;

Thence northeasterly along a line having a bearing designated as 218°48' a distance of 654.05 metres, more or less, to a cairn and park standard, as the last aforesaid line, cairn and standard are shown on said plan;

Thence northeasterly along a line having a bearing designated as 58°42.2' a distance of 1130.7 metres, more or less, to a cairn and park standard, as the last aforesaid line, cairn and standard are shown on said plan, the last aforesaid cairn and standard being on a well defined ridge of said height of land between the watershed areas of the North Saskatchewan and Athabasca Rivers, overlooking Sunwapta Pass;

Thence continuing northeasterly, northwesterly and easterly along said height of land to a stone cairn erected by H.F. Lambert, D.L.S., in 1935 at the summit of Nigel Pass, as the last aforesaid cairn is shown on a plan of record number 39221 in said Records;

Thence southeasterly and northeasterly along the height of land forming the easterly limit of the watershed area of the North Saskatchewan River to the junction of the last aforesaid height of land with the heights of land between the headwaters of the Brazeau River and Cline River and between the Cline River and

North Saskatchewan River, said junction being in the vicinity of Cataract Pass;

Thence northerly along the height of land forming the easterly limit of the watershed area of the headwaters of the Brazeau River to a point distant 0.8 kilometre from the most easterly branch of the Brazeau River, said distance being measured at right angles to the general direction of said branch;

Thence in a general northeasterly direction and following a line drawn parallel to and being distant 0.8 kilometre in a perpendicular direction from the most easterly branch of the Brazeau River to the point at which the last aforesaid line intersects a straight line drawn on an azimuth of 135° from a point on the right bank of the Brazeau River immediately opposite the junction of the left bank of the stream which flows from Brazeau Lake with the left bank of the Brazeau River;

Thence northwesterly along the last aforesaid straight line to the last aforesaid point;

Thence in a general northeasterly direction and following the right bank of the Brazeau River to a point opposite the junction of the left bank of the Southesk River with the left bank of the Brazeau River;

Thence in a straight line across the Brazeau River to the last aforesaid junction;

Thence in a general southwesterly direction following the left bank of the Southesk River to the mouth of an unnamed creek flowing from Mount Dalhousie and joining the Southesk River at approximate latitude 52°39' and longitude 116°54';

Thence northwesterly across the Southesk River and along the crest of a well defined ridge to the summit of Saracen Head, which is a prominent landmark in latitude 52°41' and longitude 116°56';

Thence in a general northwesterly direction following the height of land forming the easterly limit of the watershed areas of the Cairn and Rocky Rivers to its junction with the height of land which enclosed the watershed area of Fiddle River;

Thence northeasterly and northwesterly following the last aforesaid height of land to the summit of Roche à Perdrix in latitude 53°13' and longitude 117°48';

Thence in a general northwesterly direction following a sharply defined ridge to a standard post, pits and mound marking the easterly extremity of a part of the boundary of Jasper Park, said part being surveyed by K.F. McCusker, D.L.S., in 1931, according to plan 38673 in said records;

Thence on a bearing of 281°58' along the last aforesaid part of the boundary a distance of 2623.9 metres, more or less, to a stone mound on a rock point through which the Canadian National Railway passes in a tunnel, as said stone mound is shown on the last aforesaid plan;

Thence in a general northwesterly direction following the edge of a sharply defined escarpment to Ogre Canyon and continuing across the said canyon along an escarpment to Boule Roche which is a peak at the southeasterly extremity of Boule Range in latitude 53°17' and longitude 117°54';

Thence in a general northwesterly direction following the height of land which

forms the northeasterly limit of the watershed areas of Ogre and Moosehorn Creeks along the Boule Range to the summit of Mount Kephala, which is a peak at the northwesterly extremity to Boule Range;

Thence in a general westerly direction following the height of land which forms the northerly limit of the watershed area of Moosehorn Creek to a standard post and stone mound marking the northeasterly extremity of a part of the northerly boundary of Jasper Park, the last aforesaid part being surveyed by said K.F. McCusker, D.L.S., in 1931, according to plan 43560 in said Records, a copy of which is entered in the Land Titles Offices for the North Alberta Land Registration District at Edmonton under number T470;

Thence southwesterly along the last aforesaid part of the northerly boundary a distance of 4021.7 metres, more or less, to a cairn at Triangulation Station No. 90 (Lambert 1927), as the last aforesaid cairn is shown on the last aforesaid plan;

Thence southwesterly, northwesterly, northeasterly and northwesterly along that height of land which divides the watershed areas of Moosehorn Creek, Snake Indian River and an unnamed creek flowing into Rock Creek from the southeast at approximate latitude $53^{\circ}26'$ and longitude $118^{\circ}19'$, from the watershed areas of those tributaries of the Wildhay River and Rock Creek northeasterly of said unnamed creek, to a stone mound and flag marking the southeasterly extremity of a part of the northerly boundary of Jasper Park, according to the last aforesaid plan;

Thence on a bearing of $322^{\circ}42'$ along the last aforesaid part of the northerly boundary a distance of 4746.7 metres, more or less, to a stone cairn at Triangulation Station No. 68 (Lambert 1927) which is a point on the height of land dividing the watershed area of Rock Creek from that of Wildhay River in latitude $53^{\circ}27'$ and longitude $118^{\circ}21'$;

Thence in a general westerly direction along the last aforesaid height of land to its point of intersection with a straight line on an azimuth of 45° from Triangulation Station No. 5 (Lambert 1927), of record in field book number 21691 in said Records, which is a point on the height of land dividing the watershed area of Rock Creek from that of Mowitch Creek;

Thence southwesterly along the last aforesaid straight line across the valley of Rock Creek to said Triangulation Station No. 5;

Thence in a general westerly direction along the last aforesaid height of land dividing the watershed area of Rock Creek from that of Mowitch Creek to its intersection with the height of land which divides the watershed area of Snake Indian River from that of Smoky River;

Thence generally southeasterly and northwesterly following the last aforesaid height of land to a point on the summit of the westerly extension of Sunset Peak, on the summit of which peak is situated Triangulation Station No. 33 (Lambert 1927), a record in said field book, the last aforesaid point being at the intersection of the last aforesaid height of land and a straight line on an azimuth of $329^{\circ}28.8'$ from a stone cairn on the crest of the height of land forming the southerly limit of the watershed area of Blue Lake, as the last aforesaid cairn is shown on plan 38704 in said Records;

Thence southeasterly along the last aforesaid straight line, across Blue Lake, to the last aforesaid cairn;

Thence in a general westerly direction along the height of land forming the southerly limit of the watershed area of Blue Lake to its intersection with the height of land dividing the watershed area of Twintree Creek from that of Rockslide Creek, both of which creeks are tributaries of Smoky River;

Thence in a general westerly direction along the last aforesaid height of land to its intersection with a straight line on an azimuth of $92^{\circ}21.2'$ from a post in a stone mound on the left bank of Smoky River, the last aforesaid post being in latitude $53^{\circ}29'$ and longitude $119^{\circ}15'$ as shown on plan 38705 in said Records;

Thence westerly along the last aforesaid straight line to the last aforesaid post and continuing in the same straight line produced westerly across the valley of Smoky River to intersect the height of land forming the northwesterly limit of the watershed area of those tributaries of the Smoky River flowing into said Smoky River south of said Rockslide Creek;

Thence in a general westerly direction along the last aforesaid height of land through the summit of Mount Resthaven to the summit of Mount Lucifer in latitude $53^{\circ}26'$ and longitude $119^{\circ}33'$;

Thence in a general southeasterly direction following the height of land which bounds the watershed area of Jackpine River through Barricade Mountain, to the point at which it intersects the Interprovincial Boundary between Alberta and British Columbia in latitude $53^{\circ}22'$ and longitude $119^{\circ}24.7'$;

Thence southerly following said Interprovincial Boundary to the point of commencement;

Said parcel containing about 10 878 square kilometres;

The natural features and boundaries herein described being shown on the north and south sheets of the map of Jasper Park, certified by Frederic Hathaway Peters, Surveyor General of Dominion Lands, on January 13, 1948, said map being approved on behalf of the Dominion of Canada by the Honourable J. Allison Glen, Minister of Mines and Resources, and on behalf of the Province of Alberta by the Honourable N.E. Tanner, Minister of Lands and Mines, and filed on February 14, 1948, in the Land Titles Office for the North Alberta Land Registration District at Edmonton under numbers 3974 and 3975 in book E.U., folio 192, copies of which are of record in the Canada Lands Surveys Records at Ottawa under numbers 40396 and 40397 respectively.

(4) ELK ISLAND NATIONAL PARK OF CANADA

In the Province of Alberta:

In township 54, range 19, and in townships 52, 53 and 54, range 20, all west of the 4th Meridian;

All that parcel of land more particularly described as follows:

Commencing at the northwest corner of section 34, in said township 54, range 20;

Thence southerly along the east boundary of the statutory road allowance to the northwest corner of section 10, in said township 54, range 20;

Thence westerly along the south boundary of the statutory road allowance to the northwest corner of section 9, in said township 54, range 20;

Thence southerly along the east boundary of the statutory road allowance to the northwest corner of section 4, in said township 54, range 20;

Thence westerly in a straight line a distance of 20.1168 metres, more or less, to the northeast corner of section 5, in said township 54, range 20;

Thence continuing westerly along the north boundary of said section 5 to the northwest corner thereof;

Thence southerly along the east boundary of the statutory road allowance to the northwest corner of section 32, in said township 53;

Thence westerly along the south boundary of the statutory road allowance to the northwest corner of section 31, in said township 53;

Thence southerly along the east boundary of the statutory road allowance to its intersection in section 30, in said township 52, with the northerly limit of the surveyed Beaver Lake -- Edmonton Trail, as said trail is shown on Plan 10065 in the Canada Lands Survey Records at Ottawa;

Thence easterly along said northerly limit of said trail to the east boundary of section 25, in said township 52;

Thence northerly along the west boundary of the statutory road allowance to the southeast corner of section 1, in said township 54, range 20;

Thence easterly along the north boundary of the statutory road allowance to the southeast corner of section 6, in said township 54, range 19;

Thence northerly along the west boundary of the statutory road allowance to the northeast corner of section 31, in said township 54, range 19;

Thence westerly along the south boundary of the statutory road allowance to the point of commencement;

Saving and excepting thereout and therefrom,

Firstly: all those parts lying within the main limits of a road through said township 53, according to plan number 55576 in the Canada Lands Surveys Records at Ottawa, a copy of which is filed in the Land Titles Office for the North Alberta Land Registration District, at Edmonton, under number 2194 R.S.;

Secondly: the mines and minerals within section 13, township 53, range 20, west of the 4th Meridian as described on the certificate of the title number 1364, book K.Q., folio 43, registered on January 29, 1957, in the North Alberta Land Registration District.

The remainder containing about 194 square kilometres;

The boundaries herein described being shown on a plan of Elk Island Park, certified by A.O. Gorman for the Surveyor General of Dominion Lands, on February

10, 1949, recorded as plan number 40428 in the Canada Lands Surveys Records at Ottawa; and also a plan showing the northerly and part of the westerly boundaries confirmed by R. Thistlethwaite, Surveyor General, on March 30, 1966, recorded as plan number 52860 in said Records, a copy of which is of record in the Land Titles Office for the North Alberta Land Registration District, at Edmonton, under number 3542 N.Y.

(5) WOOD BUFFALO NATIONAL PARK OF CANADA

All and singular that certain parcel or tract of land lying and being partly in the Northwest Territories and partly in the Province of Alberta, and more particularly described, as follows:

Commencing at the intersection of the boundary between the Province of Alberta and the Northwest Territories as surveyed and shown on sheet five of the twenty map-sheets entitled "Boundary between Alberta and Northwest Territories", which map-sheets are on record as 42955 in the Canada Lands Surveys Records at Ottawa, with the centre of the main channel of Salt River;

Thence westerly along said boundary between the Province of Alberta and the Northwest Territories to its intersection with the centre of the main channel of Little Buffalo River;

Thence following downstream the centre of the main channel of the said Little Buffalo River to its junction with the centre of the main channel of Nyarling River;

Thence following upstream the centre of the main channel of the said Nyarling River to its intersection with the thirty-fourth (34) base line of the Dominion Lands Survey system, being the north boundary of township one hundred and thirty-two (132);

Thence westerly along the said thirty-fourth (34) base line to its intersection with the east boundary of range ten (10) west of the fifth (5) initial meridian of the Dominion Lands Survey system;

Thence southerly along the said east boundary of range ten (10) west of the said fifth (5) meridian to its intersection with the thirty-first (31) base line of the Dominion Lands Survey system, being the north boundary of township one hundred and twenty (120);

Thence easterly along the said thirty-first (31) base line to its intersection with the said fifth (5) meridian of the Dominion Lands Survey system;

Thence southerly along the said fifth (5) meridian to its intersection with the twenty-seventh (27) base line of the Dominion Lands Survey system, being the north boundary of township one hundred and four (104);

Thence easterly along the said twenty-seventh (27) base line to its intersection with the centre of the main channel of Athabaska River;

Thence following downstream the said centre of the main channel of Athabaska River to a point nearest the beginning or southern end of the main channel of Embarras River;

Thence in a direct line to the centre of the said main channel of Embarras River at its southern end;

Thence following downstream the centre of the main channel of the said Embarras River to its outlet into Lake Athabaska;

Thence westerly by a direct line to the nearest point on low water mark on the southerly or westerly shore of said Lake Athabaska;

Thence westerly and northerly following the said low water mark of the southerly and westerly shore of Lake Athabaska to a point nearest the beginning or southern end of the main channel of the stream known as Rivière des Rochers;

Thence easterly in a direct line of the centre of the said main channel of Rivière des Rochers at its southern end;

Thence following downstream the centre of the said main channel of Rivière des Rochers to a point nearest the centre of the main channel of Slave River;

Thence westerly in a direct line to the centre of the said main channel of Slave River;

Thence following downstream the said centre of the main channel of Slave River to its intersection with the thirty-second (32) base line of the Dominion Lands Survey system being the north boundary of township one hundred and twenty-four (124);

Thence westerly along the said thirty-second (32) base line to its intersection with the centre of the main channel of Salt River;

Thence following downstream the said centre of the main channel of Salt River to the point of commencement;

Excluding thereout and therefrom all islands in the Slave River within the above described boundary;

The whole containing by admeasurement an area of approximately 44 807 square kilometres, be the same more or less, and as the boundaries described herein are shown hachured in black upon the map of Wood Buffalo Park and which are subject to the "note" therein relating to the boundaries in certain rivers; which said map was issued by the Hydrographic and Map Service, Department of Mines and Resources at Ottawa in 1947, and whereof a copy is on record as 40393 in the Canada Lands Surveys Records at Ottawa;

Saving and excepting thereout and therefrom all those lands lying within Peace Point Indian Reserve No. 222 as shown on Plan 71277 recorded in the Canada Lands Surveys Records at Ottawa, a copy of which is filed in the Land Titles Office at Edmonton under number 882-0308, said Reserve containing 5.18 square kilometres (518 hectares), more or less; together with all mines and minerals;

The remainder containing about 44 802 square kilometres.

PART 3--SASKATCHEWAN

(1) PRINCE ALBERT NATIONAL PARK OF CANADA

All and singular that certain parcel or tract of land situated, lying and being in

the Province of Saskatchewan which may be more particularly described as follows:

Section thirteen, the north halves of sections fourteen and fifteen, sections nineteen to thirty-six inclusive, all in township fifty-three, range one; all of townships fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range one; the north half of township fifty-three, range two; townships fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range two; the north half of township fifty-three, range three; townships fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range three; the north half of township fifty-three, range four; lying east of the east bank of the Sturgeon River; that part of township fifty-four, range four, lying east of the east bank of Sturgeon River; townships fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range four, and all that portion of township sixty-two, range four, covered by Lavallée Lake; that part of township fifty-four, range five, lying east of the east bank of Sturgeon River; that part of township fifty-five, range five, lying east of the east bank of Sturgeon River; townships fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty and sixty-one, range five; those parts of sections twenty-four, twenty-five, twenty-six, thirty-five and thirty-six, township fifty-five, range six, lying east of the east bank of the Sturgeon River; those parts of sections one and twelve, township fifty-six, range six, lying east of the east bank of Sturgeon River, all west of the third meridian; said park containing an area of approximately one thousand four hundred and ninety-six square miles.

(2) GRASSLANDS NATIONAL PARK OF CANADA

In the Province of Saskatchewan;

All those lands more particularly described as follows:

EAST BLOCK

In Township 1, Range 4, West 3rd Meridian:

Legal Subdivisions 12 and 13 in Section 17;

The north half of Section 18;

Section 19, excepting out of the northwest quarter, all those lands covered by the waters of Rock Creek as shown on Township Plan dated October 31, 1990;

Legal Subdivisions 4, 5, 12 and 13 in Section 20;

Legal Subdivisions 4 and 5 in Section 29;

Section 30, excepting out of the northeast, northwest and southwest quarters, all those lands covered by the waters of Rock Creek and Hellfire Creek as shown on said township plan;

Section 31, excepting thereout all those lands covered by the waters of Rock Creek as shown on said township plan;

The north-south road allowances lying adjacent to and west of the west limits of the northwest quarter of Section 17, Sections 20, 30 and 31, and the southwest quarter of Section 29, including the intervening intersections, excepting out of the

road allowance to and west of Section 30, the lands covered by Rock Creek as shown on said township plan;

The east-west road allowances lying adjacent to and north of the north limits of Section 19, Legal Subdivision 13 of Section 20, and Section 31, excepting thereout all those lands covered by the waters of Rock Creek as shown on said township plan.

In Township 1, Range 5, West 3rd Meridian:

Section 25, excepting out of the northeast, northwest, and southeast quarters, all those lands covered by the waters of Hellfire Creek as shown on Township Plan dated October 31, 1990;

Section 36, excepting out of the southwest quarter, all those lands covered by the waters of Hellfire Creek as shown on said township plan.

In Township 1, Range 6, West 3rd Meridian:

Section 1, excepting out of the northeast, northwest and southeast quarters, all those lands covered by the waters of Rock Creek as shown on Township Plan dated October 31, 1990.

Section 2, excepting out of the north half, all those lands covered by the waters of Rock Creek as shown on said township plan;

Section 3, excepting out of the northeast, northwest and southwest quarters, all those lands covered by the waters of Rock Creek as shown said township plan;

Section 4, excepting thereout all those lands covered by the waters of Rock Creek and Wetherall Creek as shown on said township plan;

Section 5, excepting thereout all those lands covered by the waters of Rock Creek as shown on said township plan;

Section 6;

Section 7, excepting out of the northwest quarter, all those lands covered by the waters of Horse Creek as shown on said township plan;

Section 8;

Section 9, excepting thereout all those lands covered by the waters of Wetherall Creek as shown on said township plan;

Section 10;

Section 11, excepting out of the southeast and southwest quarters, all those lands covered by the waters of Rock Creek as shown on said township plan;

Section 12, excepting thereout all those lands covered by the waters of Rock Creek and Butte Creek as shown on said township plan;

Sections 13 and 14;

The south half of Section 15, excepting out of the southwest quarter, all those lands covered by the waters of Wetherall Creek as shown on said township plan;

Section 16, excepting out of the southeast quarter, all those lands covered by the waters of Wetherall Creek as shown on said township plan;

Section 17;

Section 18, excepting out of the northeast, northwest and southwest quarters, all those lands covered by the waters of Horse Creek as shown on said township plan;

Section 19, excepting out of the northeast, southeast and southwest quarters, all those lands covered by the waters of Horse Creek as shown on said township plan;

Sections 20 and 21;

Section 22, excepting out of the northeast, northwest and southwest quarters, all those lands covered by the waters of Wetherall Creek as shown on said township plan;

Section 27, excepting out of the northeast, southeast and southwest quarters, all those lands covered by the waters of Wetherall Creek as shown on said township plan;

Sections 28 and 29;

Section 32, excepting out of the northwest quarter, all those lands covered by the waters of Horse Creek as shown on said township plan;

Section 33;

Section 34, excepting thereout all those lands covered by the waters of Wetherall Creek as shown on said township plan;

The north-south road allowances lying adjacent to and west of the west limits of Sections 1, 12 and 13, Sections 2, 11 and the southwest quarter of Sections 14, Sections 3, 10, southwest quarter of Section 15, Sections 22, 27 and 34, Sections 4, 9, 16, 21, 28 and 33, Sections 5, 8, 17 and 20, and Sections 6, 7, 18 and 19, including the intervening intersections excepting thereout all those lands covered by the waters of Rock Creek, Wetherall Creek and Horse Creek as shown on said township plan;

The east-west road allowances lying adjacent to and north of the north limits of Sections 7 to 12 inclusive, Sections 20 to 22 inclusive, and 32 to 34 inclusive, including all intervening intersections excepting thereout all those lands covered by the waters of Wetherall Creek and Horse Creek as shown on said township plan.

In Township 1, Range 7, West 3rd Meridian:

Section 1, excepting out of the north half, all those lands covered by the waters of Horse Creek as shown on Township Plan dated October 31, 1990.

Section 12, excepting out of the northeast, southeast and southwest quarters, all those lands covered by the waters of Horse Creek as shown on said township plan;

Sections 13 and 24;

The east-west road allowances lying adjacent to and north of the north limit of Section 12.

In Township 2, Range 4, West 3rd Meridian:

The southwest quarter of Section 5;

The south half of Section 6, excepting thereout all those lands covered by the waters of Rock Creek as shown on Township Plan dated October 31, 1990;

The north-south road allowances lying adjacent to and west of the west limit of the southwest quarter of Section 5.

In Township 2, Range 5, West 3rd Meridian:

Sections 4, 5, 6, 7, 8 and 9;

The north-south road allowances lying adjacent to and west of the west limits of Sections 4 and 9, and Sections 5 and 8.

In Township 2, Range 6, West 3rd Meridian:

The south half of Section 3;

Sections 4 and 5;

The southeast quarter of Section 6;

Sections 8, 9 and 30;

The north-south road allowances lying adjacent to and west of the west limits of the southwest quarter of Section 3, Sections 4 and 9, the southwest quarter of Section 5, and Section 30, including the intervening intersections.

In Township 2, Range 7, West 3rd Meridian:

Section 25.

In Township 3, Range 6, West 3rd Meridian:

The northeast quarter of Section 3;

Section 5, 8, 9, 10 and 11;

The north-south road allowances lying adjacent to and west of the west limits of Sections 9, 10 and 11.

WEST BLOCK

In Township 1, Range 10, West 3rd Meridian:

Sections 1 and 2;

Section 3, excepting out of the west half, all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

Section 4, excepting out of the northwest, northeast and southeast quarters, all those lands covered by the waters of the Frenchman River as shown on said township plan, and excepting out of the southwest quarter, all those lands covered by the waters of the Frenchman River as shown on Township Plan dated February 15, 1918;

The northeast, northwest and southwest quarters of Section 9, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

That portion of the southeast quarter of Section 9 described as follows: Commencing at the northeast corner of said quarter section; thence southerly along the east limit to the south limit; thence westerly along the south limit to its intersection with the left bank of the Frenchman River; thence northeasterly and westerly following the sinuosities of the left bank to its intersection with the west limit; thence northerly along the west limit to its intersection with the left bank; thence northeasterly following the sinuosities of the left bank to its intersection with the north limit of the quarter section; thence easterly along the north limit to the point of commencement as shown on Township Plan dated February 15, 1918. Also in the southeast quarter of Section 9, all those lands lying westerly of the right bank of the Frenchman River as shown on Township Plan dated February 15, 1918;

Sections 10, 11, 12, 13 and 14;

The north-south road allowances lying adjacent to and west of the west limits of Section 1, 12 and 13, Sections 2 and 11, and Sections 3 and 10, including the intervening intersections, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

The east-west road allowances lying adjacent to and north of the north limits of Sections 11 and 12.

In Township 2, Range 9, West 3rd Meridian:

Sections 6, 7 and 18.

In Township 2, Range 10, West 3rd Meridian:

Sections 1, 2, 3 and 4;

The east half of Section 8, excepting out of the northeast quarter, all those lands covered by the waters of Little Breed Creek as shown on Township Plan dated October 31, 1990;

Section 9, 10, 11, 12 and 13;

The south half of Section 14;

Section 15;

Section 16, excepting out of the west half, all those lands covered by the waters of Little Breed Creek as shown on said township plan;

The east half of Section 17, excepting out of the southeast quarter, all those lands covered by the waters of Little Breed Creek as shown on said township plan;

The north-south road allowances lying adjacent to and west of the west limits of Sections 1, 2, 11 and the southwest quarter of Section 14, Sections 3, 10 and 15, Sections 9 and 16, including the intervening intersections, excepting thereout all those lands covered by the waters of Little Breed Creek as shown on said township plan;

The east-west road allowances lying adjacent to and north of the north limits of the northeast quarter of Section 8, Sections 9, 10 and 11, excepting thereout all those lands covered by the waters of Little Breed Creek as shown on said township plan.

In Township 2, Range 11, West 3rd Meridian:

The north half of Section 19, excepting out of the northwest quarter, all those lands covered by the Frenchman River as shown on Township Plan dated August 16, 1918;

The northwest quarter of Section 20;

Sections 28 and 29;

Section 30, excepting out of the southwest quarter, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 31, 32 and 33;

The northwest quarter of Section 34;

The north-south road allowances lying adjacent to and west of the west limits of the northwest quarter of Section 20 and Sections 29 and 32, the northwest quarter of Section 19 and Sections 30 and 31, Sections 28 and 33, the northwest quarter of Section 34, including the intervening intersections, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

The east-west road allowances lying adjacent to and north of the north limits of Section 19 and the northwest quarter of Section 20, all of Sections 31, 32 and 33, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990.

In Township 2, Range 12, West 3rd Meridian:

The north half of Section 1;

The northeast quarter of Section 2;

The northeast quarter of Section 9;

The north half of Section 10;

Sections 11, 12, 13, 14 and 15;

The east half Section 16;

The north half of Section 18;

Sections 19, 20, 21, 22 and 23;

Section 24, excepting out of the southwest quarter, about 1.23 acres (0.50 hectare), for Roadway as shown on Plan 66SC08847 and out of the northeast, northwest and southeast quarters, all those lands covered by the waters of the Frenchman River as shown on Township Plan dated December 23, 1918;

Section 25, excepting out of the northwest quarter, about 1.12 acres (0.45 hectare), and out of the southwest quarter, about 4.30 acres (1.74 hectares), for Roadway as shown on Plan 66SC08847 and excepting out of the northwest, southeast and southwest quarters, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 26, excepting thereout all those lands covered by the waters of the Frenchman River;

Section 27, excepting out of the northeast quarter, about 2.54 acres (1.03 hectares), out of the northwest quarter, about 1.62 acres (0.66 hectare), and out of the southeast quarter, all that portion, for Roadway as shown on Plan AU 1365, and excepting all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 28, excepting out of the northwest quarter, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Sections 29 and 30;

Section 31, excepting out of the northeast and northwest quarters, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 32, excepting thereout, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 33, excepting out of the northeast quarter, about 4.54 acres (1.84 hectares), and out of the northwest quarter, about 0.98 acre (0.40 hectare), for Roadway as shown on Plan AU 1365 and excepting out of the southeast and southwest quarters, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 34, excepting out of the northwest quarter, about 2.23 acres (0.90 hectare), out of the southeast quarter, about 1.42 acres (0.57 hectare), and out of the southwest quarter, about 4.06 acres (1.64 hectares), for Roadway as shown on Plan AU 1365;

Section 35;

Section 36, excepting out of the southwest quarter, all those lands covered by the waters of the Frenchman River;

The north-south road allowances lying adjacent to and west of the west limits of the northwest quarter of Section 1 and Sections 12, 13, 24, 25 and 36, the northwest quarter of Section 11 and Sections 14, 23, 26 and 35, the northwest quarter of Section 10 and Sections 15, 22, 27 and 34, Sections 21, 28 and 33, Sections 20, 29 and 32, the northwest quarter of Section 18 and Sections 19, 30 and 31, including the intervening intersections excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

The east-west road allowances lying adjacent to and north of the north limits of the northeast quarter of Section 9 and Sections 10, 11 and 12, Sections 19 to 24 inclusive, Sections 31 to 36 inclusive excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated 31 October, 1990.

In Township 2, Range 13, West 3rd Meridian:

Section 13, excepting thereout of the southeast quarter about 1.581 acres (0.64 hectare), and out of the southwest quarter about 2.619 acres (1.06 hectares), both taken for roadway as shown on a Plan of Record in the Land Titles Office for the Swift Current Land Registration District as No. 91SC00331;

The northeast quarter of Section 23;

Sections 24 and 25;

The northeast quarter and south half of Section 26, excepting out of the northeast quarter, all those lands covered by the waters of the Frenchman River as shown on Township Plan dated January 2, 1918;

Section 28;

The southeast quarter and north half of Section 32, excepting out of the northwest quarter about 1.779 acres (0.720 hectare), taken for roadway as shown on a Plan of Record in the Land Titles Office for the Swift Current Land Registration District as No. 91SC00331;

The west half and southeast quarter of Section 33, excepting out of the southeast quarter, all those lands covered by the waters of the Frenchman River;

Section 34, excepting out of the northwest, southwest and southeast quarters, all those lands covered by the waters of the Frenchman River as shown on Township Plan dated January 2, 1918;

Section 35, excepting out of the northeast, southeast and southwest quarters, all those lands covered by the waters of the Frenchman River as shown on said township plan;

Section 36, excepting out of the northeast and northwest quarters, all those lands covered by the waters of the Frenchman River as shown on said township plan;

The north-south road allowances lying adjacent to and west of the west limits of Sections 25 and 36, Section 35, the southwest quarter of Section 34 and Section 33, including the intervening intersections, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

The east-west road allowances lying adjacent to and north of the north limits of the northeast quarter of Section 23, Sections 24 and 32, the northwest quarter of Section 33 and Sections 34, 35 and 36, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990.

In Township 3, Range 11, West 3rd Meridian:

Legal Subdivisions 4 and 5 of the southwest quarter of Section 3;

Section 4, excepting out of the northeast quarter, about 3.77 acres (1.53 hectares), and out of the southeast quarter about 4.68 acres (1.89 hectares), for Roadway as shown on Plan CN 7048;

Sections 5, 6, 7 and 8;

Section 9, excepting out of the northeast quarter, about 4.48 acres (1.81 hectares), and out of the southeast quarter about 0.41 acre (0.17 hectare), for Roadway as shown on Plan CN 7048;

The south half of Section 16, excepting out of the southeast quarter, about 3.99 acres (1.61 hectares), for Roadway as shown on Plan CN 1001;

The south half of Section 17;

Section 18;

The north-south road allowances lying adjacent to and west of the west limits of the southwest quarter of Section 3, Sections 4 and 9, Sections 5 and 8, Sections 6, 7 and 18, including the intervening intersections;

The east-west road allowances lying adjacent to and north of the north limit of Sections 7, 8 and 9;

That portion of the original road allowance lying south from and adjacent to Section 6, lying between the northerly productions of the east limit of Section 36, Township 2, Range 12, West of the Third Meridian and the west limit of Section 31, Township 2, Range 11, West of the Third Meridian.

In Township 3, Range 12, West 3rd Meridian:

Sections 1, 2 and 3;

Section 4, excepting out of the northeast quarter, about 3.77 acres (1.53 hectares), out of the northwest quarter, about 0.67 acre (0.27 hectare), and out of the southeast quarter, about 4.27 acres (1.73 hectares), for Roadway as shown on Plan AU 1365;

Section 5;

Section 6, excepting out of the southeast and southwest quarters, all those lands covered by the waters of the Frenchman River as shown on Township Plan dated December 28, 1918;

Sections 7 and 8;

Section 9, excepting out of the northeast quarter, about 4.07 acres (1.65 hectares), out of the southeast quarter, about 1.61 acres (0.65 hectare), and out of the southwest quarter, about 2.49 acres (1.01 hectares), for Roadway as shown on Plan AU 1365;

Sections 10, 11, 12, 13, 14 and 15;

Section 16, excepting out of the northeast quarter, about 4.05 acres (1.64 hectares), and out of the southeast quarter, about 4.03 acres (1.63 hectares), for Roadway as shown on Plan AU 1365;

Section 17;

The east half of Section 18;

The north-south road allowances lying adjacent to and west of the west limits of Sections 1, 12 and 13, Sections 2, 11 and 14, Sections 3, 10 and 15, Sections 4, 9 and 16, Sections 5, 8 and 17, and Sections 6 and 7, including the intervening intersections, excepting thereout all those lands covered by the waters of the Frenchman River as shown on Township Plan dated October 31, 1990;

The east-west road allowances lying adjacent to and north of the north limits of the northeast quarter of Section 7 and Sections 8 to 12 inclusive;

That portion of the original road allowance lying south from and adjacent to Section 6, lying between the northerly productions of the east limit of Sections 36, Township 2, Range 13, West of the Third Meridian and the west limit of Sections 31, Township 2, Range 12, West of the Third Meridian.

In Township 3, Range 13, West 3rd Meridian:

Section 1, excepting out of the southeast quarter, all those lands covered by the waters of the Frenchman River as shown on the Township Plan dated December 19, 1917;

Section 2;

Section 3, excepting thereout all those lands covered by the waters of the Frenchman River as shown on said township plan;

The west half, southeast quarter and Legal Subdivisions 9, 10 and 15 of the northeast quarter of Section 4, excepting out of the southwest quarter, about 4.0 acres (1.62 hectares), and out of the southeast quarter, about 2.47 acres (1.00 hectare), as Parcel A, taken for roadway as shown on a Plan of Record in the Land Titles Office for the Swift Current Land Registration District as No. CG 5365;

The northeast quarter of Section 4, excepting thereout:

a) about 2.88 acres (1.17 hectares) for Roadway as shown on a Plan of Record in the Land Titles Office for the Swift Current Land Registration District as No. CG 5365;

b) That portion commencing at the northeast corner of said quarter section; thence southerly along the east limit 1320 feet (402.34 metres); thence westerly and parallel with the north limit 1320 feet (402.34 metres); thence northerly and parallel with the east limit to the north limit; thence easterly along the north limit to the point of commencement;

Section 5, excepting out of the northwest quarter about 1.30 acres (0.53 hectare), and out of the southwest quarter about 3.62 acres (1.47 hectares), both taken for roadway as shown on a Plan of Record in the Land Titles Office for the Swift Current Land Registration District as No. 71SC08602;

The southeast quarter of Section 8;

The southwest quarter of Section 9, excepting thereout about 0.07 hectares, for the Val Marie Irrigation Project as shown on Plan 77SC13199;

Sections 11, 12, 13 and 14;

The north-south road allowances lying adjacent to and west of the west limits of Sections 1, 2, 3 and 4, southwest quarter of Section 9, Sections 12 and 13, including the intervening intersections;

The east-west road allowances lying adjacent to and north of the north limits of Sections 11 and 12.

All lands described in the East and West blocks above include all mines and minerals.

PART 4--MANITOBA

(1) RIDING MOUNTAIN NATIONAL PARK OF CANADA

In the Province of Manitoba;

West of the Principal Meridian;

All those lands more particularly described as follows:

(1) in Township 18, Range 16, all sections;

(2) in Township 18, Range 17, sections 1, 13, 24, 25, 26, 35, 36 and the east

half of Section 12;

(3) in Township 19, Range 16, all sections;

(4) in Township 19, Range 17, all sections;

(5) in Township 19, Range 18:

(a) the northwest quarter of Section 19; excepting all that portion taken for a public road as shown on Plan 2642 filed in the Land Titles Office at Neepawa, a copy of which is recorded in the Canada Lands Surveys Records at Ottawa as 43180;

(b) sections 25, 26, 27, legal subdivisions 13 and 14 of Section 28, sections 29 to 36 inclusive;

(c) all that portion of the original Dominion Government Road Allowance adjoining the north boundary of Section 19, described as follows: commencing at a point on the north boundary of Section 19, a distance of 34 feet (10.36 metres) easterly from the northwest corner of Section 19; thence easterly along said north boundary 400 feet (121.92 metres); thence northerly at right angles with said north boundary 66 feet (20.12 metres) to the northerly limit of said original Dominion Government Road Allowance; thence westerly along the northerly limit of said road allowance 382 feet (116.43 metres); thence southwesterly in a straight line to the point of commencement;

(d) all that portion of the original Dominion Government Road Allowance between sections 29 and 30, lying north of the westerly production of the south boundary of southwest quarter Section 29;

(e) all that portion of the original Dominion Government Road Allowance between sections 31 and 32, lying south of the southerly shoreline of Clear Lake;

the last two mentioned road allowances are as shown on Plan 30750 in said records;

(6) in Township 19, Range 19, sections 25, 26, 34, 35 and 36, the east half of Section 33, the northeast quarter of Section 24 and legal subdivisions 13, 14, 15 and 16 of Section 27;

(7) in Township 20, Range 16, all sections; excepting the east half of section 25 and the north half and the southeast quarter of section 36;

(8) in Township 20, Range 17, all sections;

(9) in Township 20, Range 18, all sections;

(10) in Township 20, Range 19, all sections; excepting

(a) sections 5, 6, 7 and 8, the west half of section 4, the portion of the east half of section 4 lying west of Clear Lake Indian Reserve No. 61A and the southwest quarter of section 18;

(b) Clear Lake Indian Reserve No. 61A, comprising:

part fractional east half Section 4;

fractional Section 9;

fractional Section 10;

fractional southwest quarter Section 15 and fractional southeast quarter Section 16;

said indian reserve as shown on Plan 76982 in said records, a copy of which is filed in the Land Titles Office at Neepawa as 32044;

(11) in Township 20, Range 20, sections 13 to 36 inclusive;

(12) in Township 20, Range 21, all sections; excepting sections 6, 7 and 18;

(13) in Township 20, Range 22, sections 19 to 36 inclusive;

(14) in Township 21, Range 16, all sections; excepting

(a) sections 1, 12, 13, 22, 23, 24, 25, 26, 27, 32, 33, 34, 35 and 36;

(b) the south half and northeast quarter of Section 14 and the northeast quarters of sections 11, 28 and 31;

(15) in Township 21, Range 17, all sections;

(16) in Township 21, Range 18, all sections;

(17) in Township 21, Range 19, all sections;

(18) in Township 21, Range 20, all sections;

(19) in Township 21, Range 21, all sections;

(20) in Township 21, Range 22, all sections;

(21) in Township 21, Range 23, all sections;

(22) in Township 22, Range 17, sections 2 to 11 inclusive, 16, 17 and 18, the west halves of sections 1 and 12, the south halves of sections 14 and 15, and the southwest quarter of Section 13;

(23) in Township 22, Range 18, all sections;

(24) in Township 22, Range 19, all sections;

(25) in Township 22, Range 20, all sections;

(26) in Township 22, Range 21, all sections;

(27) in Township 22, Range 22, all sections;

(28) in Township 22, Range 23, all sections;

(29) in Township 22, Range 24, all sections;

(30) in Township 22, Range 25, all sections;

(31) in Township 22, Range 26, all sections; excepting the west halves of sections 6 and 7;

(32) in Township 23, Range 18, all sections; excepting sections 13, 21 to 28 inclusive, 31 to 36 inclusive, the north half and southeast quarter of Section 12 and the northeast quarter of Section 1;

(33) in Township 23, Range 19, all sections; excepting sections 31 to 36 inclusive;

(34) in Township 23, Range 20, all sections and fractional sections lying east and south of the Vermilion River; excepting the west half of Section 25 and sections 26, 35 and 36;

(35) in Township 23, Range 21, all sections; excepting sections 12, 13, 23 to 36 inclusive, and the north halves of sections 1 and 22;

(36) in Township 23, Range 22, all sections; excepting sections 25 to 36 inclusive;

(37) in Township 23, Range 23, all sections; excepting sections 25, and 31 to 36 inclusive;

(38) in the south half of Township 23, Range 24, all sections;

(39) in the south half of Township 23, Range 25, all sections;

(40) in Township 23, Range 26, sections 1 to 5 inclusive, and 8 to 17 inclusive;

Said lands containing together about 2,969 square kilometres.

(2) WAPUSK NATIONAL PARK OF CANADA

All theoretical section and township corners hereinafter are based on the North American Datum of 1927. All bearings are grid and are referred to Zone 15 of the Universal Transverse Mercator Grid System.

In the Province of Manitoba;

East of the Second Meridian East;

All that parcel of land shown as Parcel A on a plan filed in the office of the Director of Surveys at Winnipeg as Plan No. 19701, including the foreshore along the North East Coast of Manitoba, the lakes, the rivers, the islands, the streams, all mines and minerals, and all other estates, rights and interests normally reserved to the Crown (Manitoba) under *The Crown Lands Act* (Manitoba), C.C.S.M., c. C340

and, all theoretical Government Road Allowances that lie within the boundaries more particularly described as follows:

Commencing at the theoretical North East corner of Township 94, Range 6;

Thence westerly in a straight line to the theoretical North East corner of Section 33 in Township 94, Range 1;

Thence northerly in a straight line to the theoretical North East corner of Section 33 in Township 104, Range 1;

Thence easterly in a straight line to the theoretical North East corner of Township 104, Range 1;

Thence northerly in a straight line to the theoretical North East corner of Township 107, Range 1;

Thence easterly in a straight line to the theoretical North East corner of Township 107, Range 2;

Thence northerly in a straight line to the theoretical North East corner of Township 109, Range 2;

Thence easterly in a straight line to the theoretical North East corner of Township 109, Range 3;

Thence northerly in a straight line to the theoretical North East corner of Township 111, Range 3;

Thence northerly in a straight line along the production of the last above described course to its first intersection with the Mean High Tide Line of Hudson Bay;

Thence on a bearing of 50°00'00" to its first intersection with the Ordinary Low Water Mark of Hudson Bay;

Thence easterly and southeasterly following the Ordinary Low Water Mark of Hudson Bay to its intersection with a line having a bearing of 115°00'00" drawn through the intersection of the right bank of Black Bear Creek with the Mean High Tide Line of Hudson Bay;

Thence on a bearing of 295°00'00" along the aforesaid line to the intersection of said bank with the Mean High Tide Line of Hudson Bay;

Thence generally westerly following the sinuosities of said right bank of Black Bear Creek to the Ordinary High Water Mark of Black Bear Lake;

Thence westerly along the Ordinary High Water Mark of Black Bear Lake to its intersection with a line drawn southerly and at right angles to the first above described course;

Thence northerly in a straight line to the point of commencement.

Said parcel containing an area of about 11 475 square kilometres.

PART 5--ONTARIO

(1) ST. LAWRENCE ISLANDS NATIONAL PARK OF CANADA

In the Province of Ontario;

In the counties of Leeds and Frontenac;

All those parcels of land being more particularly described under Firstly to Twelfthly as follows:

Firstly

The following 17 islands as shown on plans 50113, 50114, 50115 and 50116 in the Canada Lands Surveys Records at Ottawa:

In the Township of Pittsburgh:

Whiskey Island,

containing about 0.32 hectare;

Cedar Island,

containing about 9.31 hectares;

Milton (Pitcairn) (Amazon) Island,

containing about 3.24 hectares;

In the Township of Front of Leeds and Lansdowne:

Aubrey Island,

containing about 5.79 hectares;

Mermaid Island,

containing about 1.54 hectares;

Red Horse (7A) Island,

containing about 0.21 hectare;

Beaurivage Island,

containing about 4.17 hectares;

Leek (Thwartway) Island,

containing about 36.71 hectares;

Camelot Island,

containing about 9.47 hectares;

Endymion Island,

containing about 4.41 hectares;

Gordon Island,

containing about 6.27 hectares;

Mulcaster (Sugar) Island,

containing about 5.38 hectares;

Lyndoe (79) Island,

containing about 0.57 hectare;

Georgina Island,

containing about 9.43 hectares;

Constance Island,

containing about 2.95 hectares;

In the Township of Front of Yonge:

Adelaide (116) Island,

containing about 5.30 hectares;

In the Township of Elizabethtown:

Stovin Island,

containing about 4.13 hectares.

Secondly

The following 88 islands as shown on plans 61449, 61450, 61451 and 61452 in the Canada Lands Surveys Records at Ottawa, copies of which are filed in the Registry Office at Brockville as LE 338, LE 339, LE 340 and LE 341 respectively;

In the Township of Front of Leeds and Lansdowne:

Islands 04, 7C, 8C, 10A, 18B, 27D, 31C, 31D, 32A, 32B, 33B, 33J, 34A, 34G, 34H, 34M, 34N, 35B, 35C, 39B, 40B, 41B, 41C, 41D, 41E, 41G, 41H, 46B, 48E, 48F, 49A, 49B, 50B, 50C, 51A, 51C, 51E, 51F, 52E, 54A, 57B, 57D, 57F, 58A, 58B, 59A, 59C, 59D, 59E, 62A, 64C, 64D, 66A, 66B, 66C, 67B, 67C, 67E, 68C, 68D, 70B, 73C, 73D, 77F, 80A, 81C, 82D, 91B, 93A, 93B, Bass and Bass A

islands, containing together about 1.24 hectares;

In the Township of Front of Escott:

Islands 106B, 106C, 107A, 108A, 108B, 112D, 112E, 113A, 113B, 113K and 113L, containing together about 0.18 hectare;

In the Township of Front of Yonge:

Islands 115F, 115G, 115I, 116C and 116N, containing together about 0.01 hectare.

Thirdly

In the Township of Front of Escott:

Squaw, Car and Shoe Islands as shown on Plan 57151 in the Canada Lands Surveys Records at Ottawa, a copy of which is filed in the Registry Office at Brockville as LE 327, containing together about 3.05 hectares.

Fourthly

In the Township of Lansdowne;

In the Municipality of Front of Leeds and Lansdowne;

Those portions of Hill (Leroux) Island being the whole of lot 5 and parts of Lot 6 on Registered Plan 163, shown as Parts 1 and 2 on a plan deposited in the Registry Office at Brockville as 28R-1962, a copy of which is recorded in the Canada Lands Surveys Records at Ottawa as 61190;

Together with a Right-of-Way over those parts of Lot 1 on Registered Plan 120, shown as Parts 6, 9, 10 and 11 on said Plan 28R-1962, containing together about 2.13 hectares;

Island 89C on Registered Plan 120, shown as Part 29 on a plan deposited in said office as 28R-1962, a copy of which is recorded in said records as 61190, said island containing about 0.16 hectare.

Fifthly

In the Municipality of the Township of Front of Escott;

Those portions of Grenadier (Bathurst) Island described as follows:

The whole of the Dominion Park lot and Lighthouse Site lot as shown on Plan 681 in the Canada Lands Surveys Records at Ottawa;

EXCEPT a parcel of land 50 feet (15.24 metres) square comprising the site of Grenadier Light LL 331 as described in Order-in-Council P.C. 1965-1692 dated September 15, 1965; the remainder containing about 4.39 hectares;

That part of Lot 4 on Registered Plan 120, described in a deed between G.R. Latimer and H. Latimer and Her Majesty the Queen in right of Canada, registered

in the Registry Office at Brockville as 39049 on December 14, 1970, shown on a Plan of Survey by K.M. Wiseman, O.L.S., dated August 8, 1967, attached to Instrument registered as 7367 in said office, said part containing about 0.09 hectare;

That part of Lot 5 on Registered Plan 120, as shown on Plan 53064 in said records, a copy of which is deposited in said office as instrument 5774, said part containing about 85.4 hectares;

That part of Lot 5 on Registered Plan 120, described in a deed between Hubert L. Mallory and Gordon H. Hunt, Trustees of the Public School Board of the Township School Area of Front of Escott and Her Majesty the Queen in right of Canada, registered in said office as 7439 on April 2, 1968, said part containing about 0.2 hectare;

That part of Lot 6 on Registered Plan 120, described in a deed between Franz Benedek and Her Majesty the Queen in right of Canada, registered in said office as 35119 on May 25, 1970, said part containing about 39 hectares;

Lot 8 on Registered Plan 120, shown as Part 1, parts of the bed of the St. Lawrence River adjacent to Lots 8 and 9 shown as Parts 2 and 9, and Part 6, all shown on a plan deposited in said office as 28R-4854, a copy of which is recorded as 70113 in said records, containing together about 22.38 hectares;

That part of Lot 10 on Registered Plan 120, and parts of the bed of the St. Lawrence River adjacent to Lot 10, shown as Parts 1 to 5 inclusive on a plan deposited in said office as 28R-4005, a copy of which is recorded as 68276 in said records, containing together about 32.38 hectares;

That part of Lot 10 on Registered Plan 120, and parts of the bed of the St. Lawrence River adjacent to Lot 10, shown as Parts 1 to 5 inclusive on a plan deposited in said office as 28R-4140, a copy of which is recorded as 68554 in said records, containing together about 2.63 hectares;

The whole of Lot 12 as shown on Plan 56630 in said records, a copy of which is deposited in said office as 42324, said lot containing about 30 hectares.

Sixthly

In the Municipality of the Township of Front of Leeds and Lansdowne;

That part of Hay (Melville) Island on Registered Plan 313, described in a deed between C. Carpenter and Her Majesty the Queen in right of Canada, registered in the Registry Office at Brockville as 82282 on August 16, 1976; said part containing about 24.42 hectares.

Seventhly

In the Municipality of the Township of Front of Leeds and Lansdowne;

That part of McDonald (Hog) (Cow) (Georgiana) Island on Registered Plan 120, described in a deed between M.M. Caird and Her Majesty the Queen in right of Canada, registered in the Registry Office at Brockville as 28990 on May 25, 1969; said part containing about 11.63 hectares;

Islands 12B and 12C (Leeward Islands) and that part of said McDonald Island on Registered Plan 120, described in a deed between H.S. Fuller and R.S. Fuller, and Her Majesty the Queen in right of Canada, registered in said office as 80855 on June 21, 1976; containing together about 0.49 hectare.

Eighthly

In the Municipality of the Township of Front of Leeds and Lansdowne;

That part of Joel (Lindsay) (Crocker) Island described in a deed between S.H. Manson and Her Majesty the Queen in right of Canada, registered in the Registry Office at Brockville as 68820 on December 19, 1974; said part containing about 4.05 hectares.

Ninthly

In the Township of Front of Yonge;

In the Broken Front Concession;

In Lot 22;

The whole of Parcels A and B as shown on Plan 42935 in the Canada Lands Surveys Records at Ottawa, a copy of which is deposited in the Registry Office at Brockville as 2734; containing together about 4.14 hectares.

Tenthly

In the Township of Front of Yonge;

In the Broken Front Concession;

In Lots 22 and 23;

The whole of Parcel C as shown on Plan 43518 in the Canada Lands Surveys Records at Ottawa, a copy of which is deposited in the Registry Office at Brockville as 3380; said parcel containing about 33.82 hectares.

Eleventhly

In the Township of Front of Yonge;

In the Broken Front Concession;

That part of Lot 22 as shown on Plan 57594 in the Canada Lands Surveys Records at Ottawa, said part containing about 0.40 hectare.

Twelfthly

In the Township of Lansdowne;

In the Municipality of the Township of Front of Leeds and Lansdowne;

Those portions of Hill (Leroux) Island described as follows:

Those parts of Lots 2 and 4 on Registered Plan 163, the whole of Block P on Registered Plan 273 and those parts of Lots 1 and 5 on Registered Plan 120, shown as Parts 3 to 24 inclusive and Part 28 on Plan 28R-1962 deposited in the Registry Office at Brockville, a copy of which is recorded as 61190 in the Canada Lands Surveys Records at Ottawa; and Parts 1 to 5 inclusive and Parts 7 to 57 inclusive on Plan 28R-1961 deposited in said office, a copy of which is recorded as 61192 in said records; and Parts 1 to 8 inclusive on Plan 28R-1963 deposited in said office, a copy of which is recorded as 61191 in said records, containing together about 150.7 hectares;

Those parts of Lots 2, 3 and 4 on Registered Plan 120, shown as Parts 1, 2, 3, 4 and 5 on Plan 28R-3747 deposited in said office, a copy of which is recorded as 67675 in said records, containing together about 115.8 hectares;

Those parts of Lots 6 and 7 on Registered Plan 120, shown as Parts 7 to 17 inclusive on Plan 28R-3786 deposited in said office, a copy of which is recorded as 67731 in said records;

Together with a Right-of-Way over Parts 1 and 3 as shown on said Plan 28R-3786, containing together about 105 hectares;

That part of Lot 8 on Registered Plan 120, now re-subdivided and described as Block 6 on Registered Plan 389, shown as Part 1 on Plan 28R-562 deposited in said office, a copy of which is recorded as 73572 in said records, said part containing about 7.5 hectares;

Those parts of Lot 8 on Registered Plan 120, shown as Parts 1 to 7 inclusive on Plan 28R-6405 deposited in said office, a copy of which is recorded as 73164 in said records, containing together about 33 hectares;

Those parts of Lot 8 on Registered Plan 120, shown as Parts 1, 2 and 3 on Plan 28R-7831 deposited in said office, containing together about 6.2 hectares;

The whole from Firstly to Twelfthly containing about 829.6 hectares (8.30 square kilometres).

(2) POINT PELEE NATIONAL PARK OF CANADA

In Ontario;

In the County of Essex;

In the Townships of Mersea and Pelee;

All those parcels of land being more particularly described under Firstly and Secondly as follows:

Firstly, all that parcel of land known as Point Pelee, and being comprised of the Naval Reserve at said Point Pelee as shown on a plan of said Naval Reserve, signed by Alexander Baird, Provincial Land Surveyor, at Leamington on February 17, 1883, a copy of which is recorded as Plan 52325 in the Canada Lands Surveys Records at Ottawa;

Said parcel containing about 1, 500 hectares.

Secondly, all that parcel of land being Middle Island in Lake Erie;

SAVING AND EXCEPTING that part of Middle Island conveyed to Her Majesty the Queen in right of Canada, by Quit Claim Deed dated January 6, 1958, registered in the Registry Office for the Registry Division of the County of Essex on March 9, 1960, as instrument 215703, containing by ad-measurement an area of 0.3 hectares (0.75 acres), more or less and being more particularly described as follows:

PREMISING that the bearings mentioned are magnetic and are referred to the year 1889 at which time the variation was 1 degree 20 minutes West;

COMMENCING at a point distant One Hundred and Fifty feet (150') measured South, magnetically (South 1 degree 20 minutes West, astronomically) from a red cedar post planted on the North shore of the said Island by the Department of Marine and Fisheries of Canada;

Thence South, magnetically (South 1 degree 20 minutes West astronomically) a distance of Two Hundred and Seventeen feet (217');

Thence East, magnetically, (South 88 degrees 40 minutes East astronomically) a distance of One Hundred and Fifty feet (150');

Thence North, magnetically, (North 1 degree 20 minutes East astronomically) a distance of Two Hundred and Seventeen feet (217');

Thence West, magnetically, (North 88 degrees 40 minutes West astronomically) a distance of One Hundred and Fifty feet (150'), more or less, to the point of commencement.

Together with a right-of-way, 25 feet in perpendicular width, lying East of and adjacent to a line drawn North, magnetically, (North 1 degree 20 minutes East astronomically) from the point of commencement of the above described parcel, the said strip of land extending Northerly from the Northern boundary of the above described parcel to the natural High Water Mark of Lake Erie, which said parcel is shown on a plan of survey dated October 1889, of record in the Department of Transport, at Ottawa, a copy of which plan is attached to an instrument between Elizabeth Bender and Her Majesty the Queen in right of Canada, dated January 6, 1958, registered March 9, 1960 as Instrument 215703.

The remainder of Middle Island containing about 19.7 hectares (48.7 acres).

Said parcels described under Firstly and Secondly containing together about 1, 520 hectares.

(3) GEORGIAN BAY ISLANDS NATIONAL PARK OF CANADA

All those islands or parts of islands in Georgian Bay, Province of Ontario, as follows:

(a) Islands or parts of islands opposite Baxter Township, now Township of Georgian Bay, in the District Municipality of Muskoka.

Beausoleil Island according to plan 789 in the Canada Lands Surveys Records at Ottawa, being a plan of said Island, by W. Galbraith, Ontario Land Surveyor, dated August 10, 1907;

Beausoleil Island containing about 1098 hectares.

The following 6 islands according to plan 385 in said Records, being a plan of Islands in Georgian Bay, by C.E. Fitton, Ontario Land Surveyor, dated January 4, 1897:

Island 92, containing about 11.36 hectares

Island 92H, containing about 0.10 hectare

Island 92I, containing about 0.11 hectare

Island 92M, containing about 0.08 hectare

Island 93, containing about 3.65 hectares

Island 118A, containing about 0.02 hectare

The following 4 islands according to plan 380 in said Records, being a map of certain islands in Georgian Bay, by J.G. Sing, Dominion and Ontario Land Surveyor, dated April 16, 1900:

Island 147K, containing about 0.36 hectare

Island 147L, containing about 0.01 hectare

Island 183 (Gin Rock), containing about 1.30 hectares

Island 184 (McCrosson's Island), containing about 1.40 hectares

The following 11 islands according to plan 381 in said Records, being a map of Certain Islands in Georgian Bay, by J.G. Sing, Dominion and Ontario Land Surveyor, dated April 16, 1900:

Island 147A, containing about 0.04 hectare

Island 147-O, containing about 0.61 hectare

Island 147U, containing about 0.03 hectare

Island 147V, containing about 0.04 hectare

Island 154, containing about 0.53 hectare

Island 163A, containing about 0.02 hectare

Island 163B, containing about 0.01 hectare

Island 176, containing about 0.38 hectare

Island 189, containing about 0.22 hectare

Island 190, containing about 0.18 hectare

Island 194, containing about 0.20 hectare

Lot B, Island No. 95, according to plan 43498, in said Records, a copy of which is registered in the Land Registry Office at Bracebridge under number 24562;

Lot B, containing about 17.85 hectares

(b) Islands or parts of islands opposite Gibson Township, now Township of Georgian Bay, in the District Municipality of Muskoka.

Lots E, F and M, Bone Island (No. 75) according to plan 50222 in said Records, a copy of which is deposited in said Office under number 28622;

Lot E, containing about 12.34 hectares

Lot F, containing about 6.19 hectares

Lot M, containing about 4.03 hectares

Lot D, Portage Island (No. 139) according to plan 43499 in said Records, a copy of which is registered in said Office under number 24563;

Lot D, containing about 7.53 hectares

Island 200 (Gray Island) according to plan 399 in said Records, being a plan of Certain Islands in Georgian Bay, by J.G. Sing, Dominion and Ontario Land Surveyor, dated April 20, 1901;

Island 200, containing about 5.06 hectares

(c) Island opposite Freeman Township, now Township of Georgian Bay, in the District Municipality of Muskoka.

The following 3 islands according to said plan 399;

Island 220, containing about 0.49 hectare

Island 221, containing about 0.93 hectare

Island 226, containing about 0.53 hectare

The following 11 islands according to plan 409 in said Records, being a plan of certain islands in Georgian Bay, by J.G. Sing, Dominion and Ontario Land Surveyor, dated June 12, 1902;

Island 355, containing about 0.75 hectare

Island 356, containing about 1.21 hectares

Island 358, containing about 1.98 hectares

Island 359, containing about 1.50 hectares

Island 371, containing about 0.89 hectare

Island 371A (Gilford Rocks), containing about 0.71 hectare

Island 372, containing about 0.81 hectare

Island 373, containing about 0.45 hectare

Island 374, containing about 0.40 hectare

Island 383, containing about 1.17 hectares

Island 397, containing about 19.32 hectares

Island 400, containing about 0.40 hectare, according to plan 407 in said Records, being a plan of certain islands in Georgian Bay, by J.G. Sing, Dominion and Ontario Land Surveyor, dated June 12, 1902.

Island 402, containing about 1.01 hectares, according to plan 405 in said Records, being a plan of certain islands in Georgian Bay, by J.G. Sing, Dominion and Ontario Land Surveyor, dated June 12, 1902.

(d) Islands opposite Conger Township, now Township of the Archipelago, in the District of Parry Sound.

The following 3 islands according to said plan 409;

Island 473, containing about 0.51 hectare

Island 497, containing about 1.32 hectares

Island 504 (McQuade Island), containing about 1.96 hectares

(e) Islands opposite St. Edmunds Township, north of Saugeen Peninsula in the County of Bruce;

The following 18 islands or parts thereof according to plan 2693 in said Records, being a plan showing Cape Hurd Islands compiled from surveys made by W.R. White, O.L.S., in 1936 and from information supplied by the Department of Marine, approved July 30, 1942:

Island 1, containing about 1.20 hectares

Island 2, containing about 0.20 hectare

Island 3, containing about 0.10 hectare

Island 5, containing about 0.40 hectare

Island 5A, containing about 0.10 hectare

Island 11, containing about 0.13 hectare

Island 12, containing about 0.60 hectare

Island 15, containing about 0.61 hectare

Island 16, containing about 0.10 hectare

Island 17, containing about 0.13 hectare

Cove Island saving and excepting 12.97 hectares off the north end thereof under instrument number 554;

The remainder of Cove Island containing about 887 hectares.

Big or North Otter Island, containing about 32.40 hectares

Little or South Otter Island, containing about 12.96 hectares

Williscroft Island, containing about 25.20 hectares

Turning Island, containing about 2 hectares

Bear's Rump Island, containing about 88 hectares

Russell Island or Rabbit Island, containing about 81.36 hectares

Flowerpot Island saving and excepting thereout and therefrom land required for Lighthouse Reserve on Flowerpot Island as shown on a plan by W.P. Anderson, Chief Engineer, Department of Marine and Fisheries, dated May 6, 1899, recorded as Plan 51964 in said Records;

The remainder of Flowerpot Island containing about 188 hectares

Harbour Island containing about 3.6 hectares

Said Islands and parts of islands containing together about 25.64 square kilometres.

PART 6--QUEBEC

(1) FORILLON NATIONAL PARK OF CANADA

Starting from a point on the southeast right of way of highway No. 6A located 40 chains from the intersection of the northeast side of highway No. 6 with the extension of the southeast side of highway 6A; thence, successively the following lines and demarcations; a straight line southeasterly to a point on the dividing line between lots 29A and 28G in the 1st Range of the Township of Gaspé Bay-North located 77 chains from the dividing line between the 1st and 2nd Ranges of the said township, such distance measured along the dividing line between lots 28G and 29A; southwesterly, the dividing line between lots 29A and 28G and its

extension to the southwest side of highway No. 6; the southwest side of highway No. 6 northwesterly to the dividing line between lots 34B and 34C in the 1st Range of the township of Gaspé Bay-North; the dividing line between lots 34B and 34C southwesterly to the average low water mark; in Gaspé Bay, a line running parallel to and 500 feet from the average low water mark, following the west and south coasts of Pénouil peninsula and the shore of the said bay to its meeting point with the extension of the dividing line between lots 15A and 14B in the 1st Range of the township of Gaspé Bay-North; the said extension and the dividing line between lots 15A and 14B to the northeast side of highway No. 6 (between the line dividing lots 29A and 28G and the line dividing lots 15A and 14B in the 1st Range of the township of Gaspé Bay-North, such line following the northeast and southwest sides of highway No. 6); the dividing line between lots 15A and 14B northeasterly to a point located 67 chains from the dividing line between the 1st and 2nd Ranges of the township of Gaspé Bay-North, such distance measured along the dividing line between lots 15A and 14B; a straight line southeasterly to a point on the dividing line between lots 9 and 8A in the 1st Range of the township of Gaspé Bay-North located 72 chains from the dividing line between the 1st and 2nd Ranges of the said township, such distance measured along the dividing line between lots 9 and 8A; a straight line southeasterly to a point on the dividing line between lots 3A and 2A in the 1st Range of the township of Gaspé Bay-North located 90 chains from the dividing line between the 1st and 2nd Ranges of the said township, such distance measured along the dividing line between lots 3A and 2A; a straight line southeasterly to a point on the boundary between the townships of Gaspé Bay-North and Cap-des-Rosiers located 20 chains from the northeast side of highway No. 6, such distance measured along the boundary between the said townships; a straight line southeasterly to a point on the dividing line between lots 3C and 4A in the 1st Range South of the township of Cap-des-Rosiers located 58 chains from the dividing line between the 1st Range South and the 2nd Range South of the said township, such distance measured along the dividing line between lots 3C and 4A; a straight line southeasterly to a point on the dividing line between lots 8B and 9A in the 1st Range South of the township of Cap-des-Rosiers located 77 chains from the dividing line between the 1st Range South and the 2nd Range South of the said township, such distance measured along the dividing line between lots 8B and 9A; a straight line southeasterly to a point on the dividing line between lots 10I and 11A in the 1st Range South of the township of Cap-des-Rosiers located 79 chains from the dividing line between the 1st Range South and the 2nd Range South of the said township, such distance measured along the dividing line between lots 10I and 11A; a straight line southeasterly to a point on the east line of lot 19B in the 1st Range South of the township of Cap-des-Rosiers located 20 chains from the northeast side of highway No. 6, such distance measured along the east line of lot 19B; southerly the east line of lot 19B and its extension to a line parallel to and 152.4 metres from the average low water mark; in Gaspé Bay and the Gulf of St. Lawrence along a line parallel to and 152.4 metres from the average low water mark to the extension of the dividing line between lots B-56 and B-13 in the 1st Range East of the township of Cap-des-Rosiers; northwesterly, the said extension and the dividing line between lots B-56 and B-13 to the southeast side of highway No. 6; the southeast side of highway No. 6 southwesterly to the extension of the dividing line between lots B-18 and B-55 in the 1st Range East of the township of Cap-des-Rosiers; the said extension and the south line of lot B-18 to a point located 60 chains from the northwest side of highway No. 6, such distance measured along the south line of lot B-18; a straight line northwesterly to a point on the dividing line between lots 28-4 and 29-1 in the 1st Range North of the township of Cap-des-Rosiers located 63 chains from the limit between the 1st Range North and the 2nd Range North of the said township, such distance measured along the dividing line between lots 28-4 and 29-1; a straight line, northwesterly to the intersection of the dividing line between lots 60-5 and 61-1 in the 1st Range South of L'Anse-aux-Griffons in the township of Cap-des-Rosiers with the north line of lot 57-4 in the 1st Range North of the said township; a straight line, northwesterly to a

point on the dividing line between lots 65-5 and 66-1 in the 1st Range South of L'Anse-aux-Griffons in the township of Cap-des-Rosiers located 45 chains from the dividing line between the 1st Range South of L'Anse-aux-Griffons and the 1st Range North of the said township, such distance measured along the dividing line between lots 65-5 and 66-1; a straight line westerly to a point on the dividing line between lots 73-2 and 74-1 in the 1st Range South of L'Anse-aux-Griffons in the township of Cap-des-Rosiers located 95 chains from the limit between the 1st Range South of L'Anse-aux-Griffons and the 2nd Range North of the said township, such distance measured along the dividing line between lots 73-2 and 74-1; northerly the dividing line between lots 73-2 and 74-1 and its extension to the north bank of the L'Anse-aux-Griffons river; northeasterly, the north bank of the said river to the dividing line between lots 11-4 and 12-1 in the 1st Range North of L'Anse-aux-Griffons in the township of Cap-des-Rosiers; northwesterly, the dividing line between lots 12-1 and 11-4 to a point located 82 chains from the dividing line between the 1st Range North of L'Anse-aux-Griffons and the 2nd Range North of L'Anse-aux-Griffons in the township of Cap-des-Rosiers, such distance measured along the dividing line between lots 11-4 and 12-1; a straight line northeasterly to a point on the dividing line between lots 4-2 and 5-1 in the 1st Range North of L'Anse-aux-Griffons in the township of Cap-des-Rosiers located 69 chains from the dividing line between the 1st Range North of L'Anse-aux-Griffons and the 2nd Range North of L'Anse-aux-Griffons in the said township, such distance measured along the dividing line between lots 5-1 and 4-2; northwesterly the dividing line between lots 5-1 and 4-2 to the northwest boundary of the 1st Range North of L'Anse-aux-Griffons in the township of Cap-des-Rosiers; northeasterly, the northwest side of the 1st Range North of L'Anse-aux-Griffons in the township of Cap-des-Rosiers to the southwest side of highway No. 6; the southwest side of the highway No. 6 to the dividing line between lots 4-2 and 5-1 in the 1st Range East of the township of Fox; southerly, the dividing line between lots 4-2 and 5-1 to the dividing line between the 1st Range East and the 2nd Range East of the township of Fox; northwesterly, the dividing line between the 1st Range East and the 2nd Range East of the township of Fox to the intersection of the dividing line between lots 520-3 and 520-4 in the 2nd Range East of the township of Fox; a straight line, northwesterly to the point of the intersection of the dividing line between lots 510 and 509-1 in the 2nd Range East of the township of Fox with the dividing line between the south range of the river and the 2nd Range East of the said township; westerly, the dividing line between the south range of the river and the 2nd Range East of the township of Fox to the dividing line between lots 127-1 and 129-1 in the south range of the river in the said township; northwesterly, the dividing line between lots 127-1 and 129-1 to a point located 64 chains from the dividing line between the south range of the river and the 2nd Range East in the township of Fox, such distance measured along the dividing line between lots 127-1 and 129-1; a straight line westerly to a point on the dividing line between lots 151-1 and 152 in the south range of the river in the township of Fox located 64 chains from the dividing line between the south range of the river and the 2nd Range East of the said township, such distance measured along the northeast line of lot 152; northwesterly, the dividing line between lots 151-1 and 152 to the south bank of the Rivière au Renard; northwesterly, the southwest bank of the Rivière au Renard to the southeast line of the side of highway No. 6A; southwesterly, the southeast side of highway No. 6A to the northeast bank of the Rivière au Renard; southwesterly, the northeast bank of the said river to the northeast line of lot 547-1 in the south range of the Fox township road; northwesterly, the northeast line of lot 547-1 to the southeast side of highway No. 6A; southwesterly, the southeast side of highway No. 6A to the southwest line of lot 562 in the north range of the Fox township road; southeasterly, the southwest line of lot 562 in the north range of the road and 559-1 in the south range of the road to a point located 49 chains from the dividing line between the south range of the road and the 5th Range East of the township of Fox, such distance measured along the northeast line of lot 560-1 in the south range of the Fox township road; a straight line, southwesterly to a point on the southwest line of lot 560-2 in the south range of the Fox township road located 41

chains from the dividing line between the south range of the road and the 5th Range East of the township of Fox, such distance measured along the southwest line of lot 560-2; northwesterly, the northeast line of lot 19 of the east range of the Gaspé Bay-North township road to the southeast side of highway No. 6A; southwesterly, the southeast side of highway No. 6A to the dividing line between lots 11 and 12 of the east range of the Gaspé Bay-North township road; southeasterly, the dividing line between lots 11 and 12 to the southeast boundary of the east range of the Gaspé Bay-North township road; southwesterly, the southeast boundary of the east range of the Gaspé Bay-North township road to the southwest line of lot 1 of the east range of the Gaspé Bay-North township road; northwesterly, the southwest line of lot 1 to the southeast side of highway No. 6A; finally, southwesterly, the southeast side of highway No. 6A to the starting point.

The area of the territory comprised within the limits above described is 21 696 hectares.

(2) LA MAURICIE NATIONAL PARK OF CANADA

In the county municipalities of Champlain and St-Maurice, in the Seigniories of Bastican and Cap de la Madeleine and the townships at Allard, Belleau, Desaulniers, Matawin and Radnor: all that land bordered by a heavy line and dealt with as La Mauricie National Park on Canada Lands Surveys Records at Ottawa Plan 61255, containing 53 613 hectares, more or less.

PART 7--NEW BRUNSWICK

(1) FUNDY NATIONAL PARK OF CANADA

All and singular that certain parcel or tract of land situated, lying and being in the Province of New Brunswick which may be more particularly described as follows:

Beginning at the Southeast corner of the breakwater situated on the West side of the outlet of the Upper Salmon (Alma) River; thence in a Northwesterly direction following the Easterly side of said breakwater and the Westerly shore at low tide of the said river for approximately three miles upstream to a point opposite the outlet of Lake Brook, a tributary of aforesaid river flowing from the East; thence across said river to the point of intersection between the East bank or shore of said Upper Salmon (Alma) River and the Northwest bank or shore of said Lake Brook; thence in a Northeasterly direction following the various courses of said bank or shore of said brook upstream to a point where the same intersects the East limit of the Highway Road leading from Alma and Hebron vicinity to the Old Shepody Road; thence in a Northerly direction following said limit of said Highway Road to its intersection with the Northern limit of the aforementioned Old Shepody Road; thence in a Westerly direction following said limit of said Old Shepody Road (a portion of which is now Highway Number Fourteen) to its intersection with the West limit of Lot Number Four, granted to Isaiah Wallace; thence in a Southerly direction along said limit of said lot and the Southern prolongation of same South four degrees and fifty-seven minutes West by the Magnet of the year 1947, a distance of eighty-three chains and ninety-nine links to a Beech post standing in the South limit of Lot Number Sixty-eight, granted to W.A. McManus; thence South eighty-six degrees and forty-eight minutes East along the said limit of said lot, a distance of twenty-seven chains and eighty-six links to a Spruce post standing in the West limit of Lot Letter V, granted to J. Vernon; thence along said limit of said lot South four degrees and forty-four minutes West, a distance of twelve chains and forty-two links to another Spruce post standing in the Southwest angle of said lot; thence along the South limit of said lot South eighty-six degrees and twenty-five minutes East, a distance of nine chains and eighty-seven links to a point in the Eastern

bank or shore of Drummond Stream (the outlet of Point Wolfe Lake); thence in a Southerly direction along said bank or shore of said Stream to the Northeasterly bank or shore of Point Wolfe River; thence in a Southeasterly direction along said bank or shore of said River to a point opposite a tributary of said River flowing from Keyhole Lake, said outlet being approximately thirty chains below the outlet of Drummond Stream; thence across said River to the point of intersection between the Eastern bank or shore of said tributary and the Southwestern bank or shore of said River; thence in a Southerly direction following said bank or shore of said tributary and said bank or shore of Keyhole Lake to a Spruce post standing in the Southern bank or shore of said Lake; thence by the Magnet of the aforesaid year South twenty-one degrees East, a distance of twenty-four chains and twenty-nine links to another Spruce post standing in the Northern bank or shore of Meadow Lake, said lake situated on the West branch of Goose River approximately one mile above the outlet of said branch; thence in a Southerly direction following the Western bank or shore of said lake to a point in the Eastern bank or shore of the aforesaid West branch; thence in a Southerly direction following said bank or shore of said branch and said bank or shore of Goose River to the shore of the Bay of Fundy; thence in a general Easterly direction along said shore of said Bay to the Western side of the aforesaid breakwater; and thence in a Southerly and Easterly direction along said breakwater to the place of beginning.

Containing seventy-nine and one-half square miles, more or less, and situated in the Parish of Alma, County of Albert, Parishes of Waterford and Hammond, County of Kings, and Parish of St. Martins, County of Saint John.

(2) KOUCHIBOUGUAC NATIONAL PARK OF CANADA

In the Province of New Brunswick;

In the County of Kent;

All those parcels described under Firstly and Secondly as follows:

Firstly:

All that parcel according to a plan recorded in the Canada Lands Surveys Records at Ottawa as 61463;

said parcel containing about 23 882 hectares.

Secondly:

All that parcel designated as "Remainder of 73" on a plan recorded in the Canada Lands Surveys Records at Ottawa as 59734, a copy of which is filed in the Registry Office at Richibucto as 2724A;

said parcel containing about 40.9 hectares.

Said parcels containing together about 23 922.9 hectares.

PART 8--NOVA SCOTIA

(1) CAPE BRETON HIGHLANDS NATIONAL PARK OF CANADA

In the Province of Nova Scotia;

In the Counties of Inverness and Victoria;

The whole of Cape Breton Highlands National Park shown bordered red on Plan 53565 in the Canada Lands Surveys Records at Ottawa, copies of which are registered in the Registries of Deeds at Port Hood and at Baddeck as 124-1967 and 995-A, respectively;

Saving and excepting, that parcel at Ingonish, being a part of Crown Grant No. 5219 made to Honourable T.D. Archibald, September 20, 1860, and being more particularly described as follows:

Beginning at a point on the southeastern boundary of lands conveyed by the said T.D. Archibald to the Trustees of the Roman Catholic Church at Ingonish, at a distance of 388.01 metres from the intersection of said boundary with the line of high water mark on the shore of North Bay Ingonish, said point being marked by an iron bar stamped with the letter "R";

Thence southwesterly along the said boundary a distance of 291.694 metres;

Thence northwesterly at right angles to said southeastern boundary, following a blazed line passing approximately 2 metres south of the well on the Church property, a distance of 100.58 metres, more or less, to the northwestern boundary of the lands conveyed as aforesaid to the said Trustees;

Thence northeasterly along the said northwestern boundary a distance of 291.69 metres, more or less, to an iron bar stamped with the letter "T", said iron bars being shown on plan 53859 in the Canada Lands Surveys Records at Ottawa;

Thence at right angles to the said northwestern boundary in a southeasterly direction a distance of 100.58 metres, more or less, to the point of beginning;

Also saving and excepting, that strip of land, 6.096 metres wide, adjoining the northwestern boundary of the parcel described above, and extending from the Cabot Trail to the northwesterly extension of the line joining said iron bars "R" and "T";

Also saving and excepting, that parcel at Ingonish designated CB-9 according to a plan recorded in the Canada Lands Surveys Records at Ottawa as 65443, a copy of which is registered in the Registry of Deeds at Baddeck as P-60;

Also saving and excepting, those parcels of land at Neils Harbour designated CB-11 and CB-12 on plan No. 69189 recorded in the Canada Lands Surveys Records at Ottawa a copy of which is recorded in the Registry of Deeds Office in Baddeck as Plan No. P-759.

The above described lands contain an area of 948 square kilometres, more or less.

(2) KEJIMKUJIK NATIONAL PARK OF CANADA

In the Province of Nova Scotia;

All those parcels more particularly described under Firstly and Secondly as

follows:

Firstly:

All that parcel in the counties of Annapolis, Digby and Queens, as shown on Plan 55629 recorded in the Canada Lands Surveys Records at Ottawa, copies of which are registered in the Registrar of Deeds Offices at Bridgetown, Weymouth and Liverpool as 74238, 1215 and 6496 respectively;

said parcel containing about 38 145.7 hectares (94,260 acres).

Secondly:

All that parcel at South West Port Mouton, Queens County, as shown on a plan of survey by David L. Crooker, N.S.L.S., a copy of which is recorded in the Canada Lands Surveys Records at Ottawa under number 70492;

said parcel containing about 2218 hectares (5,480 acres).

Said parcels containing together about 40 363.7 hectares (99,740 acres).

PART 9--PRINCE EDWARD ISLAND

PRINCE EDWARD ISLAND NATIONAL PARK OF CANADA

All those parcels along the northerly coast of Prince Edward Island, described under Parcel 1 to Parcel 5 as follows:

Parcel No. 1

Commencing at the most easterly intersection of the line of mean high tide along the northerly side of an indentation of New London Bay with the most westerly of the rectilinear boundaries of Parcel 1, as said intersection, indentation and boundaries are shown on Plan 51557 in the Canada Lands Surveys Records at Ottawa, a copy of which has been registered in the Office of the Registrar of Deeds for the county of Queens at Charlottetown under number 1304;

Thence westerly along said line of mean high tide and the line of mean high tide along the northerly side of New London Bay to the line of mean high tide of the Gulf of St. Lawrence, at the easterly side of the entrance to New London Bay;

Thence easterly and southeasterly along the last aforesaid line of mean high tide to its intersection with the most easterly of said rectilinear boundaries, near the westerly side of the entrance to Rustico Harbour;

Thence in a general northwesterly direction along said rectilinear boundaries to a legal survey marker on the easterly limit of a road right-of-way, commonly referred to as the Cawnpore Lane, as said marker and easterly limit of the Cawnpore Lane are shown on Plan 55710 recorded in said records, a copy of which is filed in said office under number 661;

Thence southerly along said easterly limit of the Cawnpore Lane to a legal survey marker on the north limit of the Cavendish Road, as said marker and road are shown on the last aforementioned plan;

Thence in a westerly direction along the projected north limit of the Cavendish Road to a point 20.12 metres from the last aforesaid survey marker, as said point is witnessed by standard post N.P. 12 shown on the last mentioned plan;

Thence continuing along the said rectilinear boundaries, being, in part, the westerly boundary of Lot A and the southerly boundary of Lot C, as said lots and rectilinear boundaries are shown on said plan 51557 to the point of commencement;

EXCEPT those parcels described as follows:

All that parcel lying easterly of and adjoining the easterly boundary of the Gulf Shore Road, as said parcel is shown bordered red in Detail B on last aforesaid plan;

All that parcel of land southerly of the Cavendish Cemetery as said parcel containing 0.32 hectare is shown on plan 62872 in said records, a copy of which is filed under number 3594 in said office;

Parcels 1-4-1, 1-5 and 1-6 as shown on Plan 77754 in said records, a copy of which is filed in said office under number 9246.

Parcels No. 2 & 3

Commencing at the intersection of the line of mean high tide along the easterly side of Rustico Bay with the southerly boundary of Parcel 3, as the said boundary is shown on Plan 43502 in the Canada Lands Surveys Records at Ottawa a copy of which is registered in the Office of the Registrar of Deeds for the County of Queens at Charlottetown under number 1005;

Thence easterly along said southerly boundary to an iron post marked XLIII, the last aforesaid post being shown on a compiled plan approved and confirmed by Bruce Wallace Waugh, Surveyor General at Ottawa, on March 18, 1953, the last aforesaid plan being recorded as 41714 in said records, a copy of which was registered on May 4, 1953, in the said office;

Thence southeasterly in a straight line to an iron post marked XLIV according to the last aforesaid plan;

Thence continuing southeasterly along the production of the last aforesaid line to the line of mean high tide along the northerly side of Brackley Bay;

Thence easterly along the line of mean high tide of Brackley Bay and Covehead Bay to the line of mean high tide of the Gulf of St. Lawrence, at the westerly side of the entrance to Covehead Bay;

Thence westerly along the last aforesaid line of mean high tide, past the causeway to Rustico Island to the line of mean high tide along the easterly side of the entrance to Rustico Harbour;

Thence southerly and easterly along the last aforesaid line of mean high tide and the line of mean high tide along the northerly and easterly sides of Rustico Bay to the point of commencement.

Parcel No. 4

Commencing at the intersection of the line of mean high tide along the easterly side of Covehead Harbour with the most westerly of the landward boundaries of Parcel 4, as the last aforesaid intersection and boundaries are shown on Plan 42611 in the Canada Lands Surveys Records at Ottawa, a copy of which has been filed in the Office of the Registrar of Deeds for the county of Queens at Charlottetown under number 1804;

Thence in a general easterly direction along said landward boundaries to the line of mean high tide along the westerly side of Tracadie Harbour;

Thence northwesterly, westerly and southwesterly along the lines of mean high tide of Tracadie Harbour, the Gulf of St. Lawrence and Covehead Harbour respectively to the point of commencement.

Parcel No. 5

Commencing at the most northerly intersection of the line of mean high tide along the easterly side of Tracadie Bay with the east boundary of Parcel 5 distant 166.12 metres, more or less, north from a standard concrete post numbered 132-11-L, as said intersection, east boundary and post are shown on Plan 42612 in the Canada Lands Surveys Records at Ottawa, a copy of which has been filed in the Office of the Registrar of Deeds for the county of Queens at Charlottetown under number 1805;

Thence westerly, northerly and easterly along the lines of mean high tide of Tracadie Bay, Tracadie Harbour and the Gulf of St. Lawrence respectively, to said east boundary;

Thence south along said east boundary to the point of commencement.

Said parcels 1 to 5 containing together about 2 149.8 hectares (21.5 square kilometres).

PART 10--NEWFOUNDLAND**(1) TERRA NOVA NATIONAL PARK OF CANADA****Firstly:**

All that certain tract or parcel of land situate, lying, and being in the former districts of Bonavista North and South, in the Province of Newfoundland, as the same is shown on a plan recorded in the Canada Lands Surveys Records at Ottawa under number 50066, a copy of said plan is also registered in the Registry of Deeds in St. John's, Newfoundland in volume 455, folio 44; said parcel or tract contains an area of 39 627 hectares.

Secondly:

All that certain tract or parcel of land, situate, lying, and being in the District of Terra Nova, in the Province of Newfoundland, as the same is shown as Parcel A on a plan recorded in the Canada Lands Surveys Records in Ottawa under number 69827; a copy of said plan is also filed in the Registry of Deeds in St. John's,

Newfoundland, under number 1407; said parcel or tract contains an area of 365 hectares.

(2) GROS MORNE NATIONAL PARK OF CANADA

All that certain tract of land, situate, lying and being in the District of St. Barbe (formerly St. Barbe South and St. Barbe North) and Bay of Islands (formerly Humber West) in the Province of Newfoundland, shown as "Proposed Gros Morne National Park" on a plan of survey recorded in the Canada Lands Surveys Records at Ottawa under Number 69288. A copy of said plan is also filed in the Registry of Deeds Office in St. John's, Newfoundland, under Number 1209;

Said tract or tracts contains an area of approximately 1805 square kilometres and includes the White Rock Islets and Stearing Island and excludes Parcel 4.

PART 11--YUKON

(1) IVVAVIK NATIONAL PARK OF CANADA

All latitudes and longitudes hereinafter are referred to the North American Datum of 1927; all topographic features hereinafter are according to Editions 1 of National Topographic Series Maps 117B/9, 117A/12 Cottonwood Creek, 117A/11 Welcome Mountain, 117D/3E and 3W Crow River, 117D/6E and 6W Kay Point, 117D/5E Loney Creek, 117D/11W & 117D/12E Herschel Island, 117D/12W Herschel Island, and 117C/9E and 9W Clarence Lagoon, and Edition 2 of N.T.S. Map 117A/14 Babbage River, all produced at a scale of 1:50,000 by the Department of Energy, Mines and Resources at Ottawa, and a part of the Canada-United States International Boundary Atlas;

In Yukon;

That certain parcel of land more particularly described as follows:

Commencing at the point of intersection of the Canada-United States International Boundary, near monument number 26 of said boundary, with a line of watershed separating the streams flowing into the Porcupine River System from those flowing into the Beaufort Sea, at approximate latitude 68°33'25";

Thence generally easterly following said line of watershed to its intersection with the longitude passing through Geodetic Surveys of Canada triangulation station Pete 51-A number 568051 at approximate latitude 68°37'17"; said station being on record in the Geodetic Data Bank of the Department of Energy, Mines and Resources at Ottawa, having published geographic coordinate values of latitude 68°37'17.08385" and longitude 139°44'37.86856";

Thence north along said longitude to its intersection with the right bank of Babbage River at approximate latitude 68°38'12";

Thence generally easterly and northerly along the sinuosities of the right bank of said river to a point on the low water mark of Phillips Bay in the Beaufort Sea, at approximate latitude 69°14'55" and approximate longitude 138°26'20";

Thence southwesterly and generally northwesterly along the low water mark of said bay to a point being at the most northerly extremity of Catton Point, at approximate latitude 69°30'14" and approximate longitude 139°06'37";

Thence northwesterly in a straight line, in Workboat Passage between Herschel Island and the mainland, to a point on the low water mark, at the most easterly extremity of an unnamed island south of Avadlek Spit, said point being at approximate latitude 69°32'20" and approximate longitude 139°18'40";

Thence westerly along said low water mark on the north side of said unnamed island and continuing westerly across the waters and along the low water mark on the north side of a series of unnamed islands to the easterly extremity of Nunaluk Spit at approximate latitude 69°33'17" and approximate longitude 139°31'16" (The north boundary of Ivvavik National Park between said series of islands is defined as being a straight line running westerly from the most northwesterly point of an island to the most northeasterly point of the next island);

Thence generally westerly along the low water mark on the north side of Nunaluk Spit and the coast of the Beaufort Sea to its intersection with the Canada-United States International Boundary at approximate latitude 69°39'00";

Thence south along said international boundary to the point of commencement;

Said parcel including all shoals, islands, sandbars and spits that may be periodically exposed at low tide within 3.5 kilometres of the shore and all islands, sandbars and spits lying within Phillips Bay, but not including Herschel Island and its sandbars spits and immediately adjoining islets;

Said parcel containing about 9750 square kilometres.

(2) VUNTUT NATIONAL PARK OF CANADA

All latitudes and longitudes hereinafter described are referred to the North American Datum of 1927; all topographic features hereinafter referred to being according to Edition 1 of the National Topographic Series Maps 117A/3, 117A/4, 117A/5, 117A/6, 117A/11, 117A/12, 117B/1, 117B/8 and 117B/9 produced at a scale of 1:50,000 by the Department of Energy, Mines and Resources at Ottawa, and a part of the Canada-United States International Boundary Atlas;

In Yukon;

That parcel of land more particularly described as follows:

Commencing at the point on the Canada-United States International Boundary near monument number 26 of said boundary and a line of watershed separating the streams flowing into the Porcupine River System from those flowing into the Beaufort Sea, at approximate latitude 68°33'25";

Thence generally easterly following said line of watershed to the northeasterly production of the right bank of an unnamed tributary of Black Fox Creek at approximate latitude 68°29'52" and approximate longitude 138°22'31";

Thence southwesterly along said northeasterly production, and generally southwesterly along the right bank of said tributary to the right bank of Black Fox Creek;

Thence generally southwesterly along the right bank of Black Fox Creek to the left bank of the Old Crow River;

Thence generally northwesterly, southwesterly and northwesterly along the left bank of the Old Crow River to said International Boundary;

Thence north along said International Boundary to the point of commencement;

Said parcel containing about 4345 square kilometres.

(3) KLUANE NATIONAL PARK OF CANADA

In Yukon;

Such portion of the Kluane National Park Reserve of Canada described in Schedule 2 as is identified as lands for a national park in the Champagne and Aishihik First Nations Final Agreement, given effect by the *Yukon First Nations Land Claims Settlement Act*.

And such other portions of the said reserve as are identified as lands for a national park in final agreements with other first nations that are given effect under the *Yukon First Nations Land Claims Settlement Act*.

PART 12--NORTHWEST TERRITORIES

(1) AULAVIK NATIONAL PARK OF CANADA

In the Northwest Territories;

On Banks Island;

All that parcel being more particularly described as follows; all topographic features hereinafter referred to being according to the First Edition of the Cape M'Clure map sheet, and the Second Edition of the Mercy Bay, White Sand Creek, Deans Dundas Bay, Jesse Harbour and Bernard River map sheets, 98E, 88F, 88C, 88B, 98A and 98D and C of the National Topographic System, produced at a scale of 1:250,000 by the Department of Energy, Mines and Resources at Ottawa (map sheets 98E, 88B and 88C being produced by the Army Survey Establishment, R.C.E.). All co-ordinates are derived from the above mentioned map sheet series being referred to the North American Datum of 1927.

Commencing at a point on the ordinary low water mark of M'Clure Strait at the mouth of an unnamed creek at approximate latitude 74°16'37" north and approximate longitude 117°58'44" west;

Thence southeasterly in a straight line an approximate distance of 28 kilometres to a point at latitude 74°02'51" north and longitude 117°38'20" west;

Thence southerly in a straight line an approximate distance of 24 kilometres to a point at latitude 73°50'00" north and longitude 117°38'00" west;

Thence west in a straight line an approximate distance of 11 kilometres to a point at latitude 73°50'00" north and longitude 118°00'00" west;

Thence south in a straight line an approximate distance of 48 kilometres to a point at latitude 73°24'00" north and longitude 118°00'00" west;

Thence southwesterly in a straight line an approximate distance of 23 kilometres to a point at latitude 73°16'00" north and longitude 118°32'00" west;

Thence west in a straight line an approximate distance of 21 kilometres to a point at latitude 73°16'00" north and longitude 119°12'00" west;

Thence south in a straight line an approximate distance of 35 kilometres to a point at latitude 72°57'00" north and longitude 119°12'00" west;

Thence west in a straight line an approximate distance of 32 kilometres to a point at latitude 72°57'00" north and longitude 120°10'00" west;

Thence north in a straight line an approximate distance of 47 kilometres to a point at latitude 73°22'00" north and longitude 120°10'00" west;

Thence northwesterly in a straight line an approximate distance of 30 kilometres to a point at latitude 73°30'00" north and longitude 121°00'00" west;

Thence north in a straight line an approximate distance of 6 kilometres to a point at latitude 73°33'00" north and longitude 121°00'00" west;

Thence west in a straight line an approximate distance of 8 kilometres to a point at latitude 73°33'00" north and longitude 121°15'00" west;

Thence north in a straight line an approximate distance of 4 kilometres to a point at latitude 73°35'00" north and longitude 121°15'00" west;

Thence west in a straight line an approximate distance of 10 kilometres to a point at latitude 73°35'00" north and longitude 121°35'00" west;

Thence north in a straight line an approximate distance of 13 kilometres to a point at latitude 73°42'00" north and longitude 121°35'00" west;

Thence east in a straight line an approximate distance of 11 kilometres to a point at latitude 73°42'00" north and longitude 121°14'00" west;

Thence north in a straight line an approximate distance of 86 kilometres to a point at latitude 74°28'00" north and longitude 121°14'00" west;

Thence northeasterly in a straight line an approximate distance of 6 kilometres to the point of intersection of the ordinary low water mark on the south side of M'Clure Strait with latitude 74°29'00" north at approximate longitude 121°02'56" west;

Thence southeasterly following the ordinary low water mark of the south side of M'Clure Strait to the western end of the sand or gravel bar located at the mouth of Castel Bay, at approximate latitude 74°14'29" north and approximate longitude 119°40'00" west;

Thence easterly along the northerly side of said sand or gravel bar extending across the mouth of Castel Bay and the ordinary low water mark of M'Clure Strait to the most northerly tip of Mahogany Point;

Thence easterly, southerly, easterly, northerly and northeasterly following the

ordinary low water mark of the south side of M'Clure Strait and the westerly, southerly and easterly sides of Mercy Bay and the said south side of M'Clure Strait to the point of commencement.

Containing approximately 12 200 square kilometres.

(2) TUKTUT NOGAI NATIONAL PARK OF CANADA

In the Northwest Territories;

In the Inuvialuit Settlement Region;

All that parcel being more particularly described as follows: (Geographic coordinates are North American Datum of 1927):

Commencing at a point being the intersection of the shoreline of Amundsen Gulf and the mouth of the Outwash River at approximate latitude 69°33' north and approximate longitude 120°40'51" west, the said point being a corner of the Inuvialuit Settlement Region as described in Annex A-1 of the Agreement referred to in the *Western Arctic (Inuvialuit) Claims Settlement Act* (S.C. 1984, c. 24);

Thence south in a straight line along the limit of the Inuvialuit Settlement Region to a point at latitude 68°00' north and approximate longitude 120°40'51" west (said point being a corner of the Inuvialuit Settlement Region);

Thence west along latitude 68°00' north, also being the limit of the Inuvialuit Settlement Region, to its intersection with longitude 122°05' west;

Thence northwesterly in a straight line to a point having a latitude of 68°30' north and longitude 123°20' west;

Thence north along longitude 123°20' west to its intersection with the surveyed boundary of the Paulatuk 7(1)(b) lands at approximate latitude 69°00' north;

Thence easterly along the surveyed boundary of the Paulatuk lands to the surveyed corner at approximate latitude 69°00' north and approximate longitude 123°10' west;

Thence northerly along the surveyed boundary of the Paulatuk 7(1)(b) and 7(1)(a) lands to the surveyed corner of the 7(1)(b) lands at approximate latitude 69°19' north and approximate longitude 123°10' west;

Thence easterly, northerly, northeasterly, easterly and southeasterly along the surveyed boundary of Paulatuk 7(1)(b) lands to its intersection with the middle thread of the Outwash River at approximate latitude 69°27'46" north and approximate longitude 120°51'51" west;

Thence northerly and easterly along the middle thread of the Outwash River to the point of commencement.

Said parcel containing about 16 340 square kilometres.

PART 13--NUNAVUT

(1) SIRMILIK NATIONAL PARK OF CANADA

In Nunavut;

All those parcels described as Parts I to IV as follows:

PART I

On Baffin Island;

All that parcel being more particularly described as follows: All topographic features hereinafter referred to being according to the first edition of the Pond Inlet and Icebound Lakes map sheets, 38B and 37G of the National Topographic System, as shown on sheets 13 and 10 of 237 respectively of maps recorded in the Land Titles Office at Yellowknife as 2405-13 and 2405-10 respectively, copies of which are recorded in the Canada Lands Surveys Records at Ottawa as 77288. All co-ordinates are derived from the above mentioned map sheets and are referred to the 1927 North American Datum.

Commencing at boundary monument 177PI as shown on Plan of Parcel PI-24 recorded in said records as 82874, a copy of which is filed in said office as 3405;

Thence on a bearing of 114°10'31", a distance of 27 201.56 metres to boundary monument 176PI as shown on said plan;

Thence southeasterly to a height of land at approximate latitude 72°14'30" and approximate longitude 77°11'00";

Thence southeasterly to a height of land at approximate latitude 72°11'00" and approximate longitude 76°26'00";

Thence southwesterly to a height of land at approximate latitude 71°46'20" and approximate longitude 76°52'00";

Thence westerly to boundary monument 66PI as shown on Plan of Parcel PI-12 recorded in said records as 82872, a copy of which is filed in said office as 3408;

Thence on a bearing of 9°49'13", a distance of 3 294.30 metres to boundary monument 75PI as shown on said plan;

Thence on a bearing of 275°21'29", a distance of 5 412.98 metres to boundary monument 74PI as shown on said plan;

Thence on a bearing of 336°45'38", a distance of 7 679.00 metres to boundary monument 73PI as shown on said plan;

Thence on a bearing of 73°57'32", a distance of 6 381.74 metres to boundary monument 72PI as shown on said plan;

Thence on a bearing of 319°32'01", a distance of 4 199.38 metres to boundary monument 71PI as shown on said plan;

Thence on a bearing of 256°10'48", a distance of 12 526.34 metres to boundary

monument 70PI as shown on said plan;

Thence on a bearing of $168^{\circ}47'25''$, a distance of 6 127.41 metres to boundary monument 69PI as shown on said plan;

Thence northwesterly along the sinuosity of the ordinary high water mark of Paquet Bay and northerly along the sinuosity of the ordinary high water mark of the easterly coast of Tay Sound to boundary monument 162PI as shown on Plan of Parcel PI-22 recorded in said records as 82873, a copy of which is filed in said office as 3409;

Thence on a bearing of $77^{\circ}20'14''$, a distance of 2 062.04 metres to boundary monument 161PI being at the intersection of the ordinary high water mark of an unnamed lake and the ordinary high water mark of the left bank of an unnamed stream at the southerly extremity of said unnamed lake as shown on said plan;

Thence northerly along the ordinary high water mark of the western shore of said lake to its intersection with the ordinary high water mark of the left bank of an unnamed stream, and continuing northerly along the ordinary high water mark of the left bank of said stream to point 220028LWM as shown on sheet 8 of 13 of a Descriptive Map Plan registered in said office as 2690, a copy of which is recorded in said records as 77971, said point being further described as the intersection of the ordinary high water mark of the left bank of said stream with the ordinary high water mark of Tay Sound at approximate latitude $72^{\circ}19'55''$ and approximate longitude $78^{\circ}43'50''$;

Thence northeasterly along the sinuosity of the ordinary high water mark of Tay Sound to the northerly extremity of the promontory known as Oorbignaluk Headland at approximate latitude $72^{\circ}22'00''$ and approximate longitude $78^{\circ}36'15''$;

Thence northeasterly across Oliver Sound to boundary monument 177PI being the point of commencement as shown on said Plan of Parcel PI-24.

Said parcel described under Part I containing about 3 144 square kilometres.

PART II

On Bylot Island;

All that parcel being more particularly described as follows:

All topographic features hereinafter referred to being according to the first editions of the Pond Inlet and Milne Inlet map sheets 38B and 48A and the second edition of the Navy Board Inlet map sheet 48D of the National Topographic System, as shown on sheets 13, 27 and 30 of 237 respectively of maps recorded in the Land Titles Office at Yellowknife as 2405-13, 2405-27 and 2405-30 respectively, copies of which are recorded in the Canada Lands Surveys Records at Ottawa as 77288, as well as the second edition of Bylot Island map sheet 38C of the National Topographic System, produced at a scale of 1:250,000 by the Department of Energy, Mines and Resources (formerly Department of Mines and Technical Surveys) at Ottawa. All co-ordinates are derived from the above mentioned map sheets and are referred to the 1927 North American Datum.

Commencing at boundary monument 179PI as shown on Plan of Parcel PI-28 recorded in said records as 82875, a copy of which is filed in said office as 3407;

Thence westerly, northwesterly, northerly, easterly and southeasterly along the sinuosity of the ordinary high water mark of Eclipse Sound, Navy Board Inlet and Baffin Bay to boundary monument 36PI as shown on Plan of Parcel PI-29 recorded in said records as 82871, a copy of which is filed in said office as 3406;

Thence on a bearing of $210^{\circ}17'11''$, a distance of 8 786.12 metres to boundary monument 35PI as shown on said plan;

Thence on a bearing of $249^{\circ}38'15''$, a distance of 7 882.77 metres to boundary monument 34PI as shown on said plan;

Thence on a bearing of $200^{\circ}27'17''$, a distance of 3 248.81 metres to boundary monument 33PI as shown on said plan;

Thence westerly along the ordinary high water mark of Pond Inlet and the northerly coast of Eclipse Sound to boundary monument 183PI as shown on said Plan of Parcel PI-28 recorded in said records as 82875, a copy of which is filed in said office as 3407;

Thence on a bearing of $6^{\circ}14'21''$, a distance of 6 754.00 metres to boundary monument 182PI as shown on said plan;

Thence on a bearing of $258^{\circ}41'12''$, a distance of 12 600.00 metres to boundary monument 181PI as shown on said plan;

Thence on a bearing of $220^{\circ}58'27''$, a distance of 7 475.51 metres to boundary monument 180PI as shown on said plan;

Thence on a bearing of $26^{\circ}14'23''$, a distance of 13 892.64 metres to boundary monument 179PI as shown on said plan, being the point of commencement.

SAVING AND EXCEPTING a parcel of land known as Polar Sport Hunt Camp situated in the vicinity of Cape Walter Bathurst, in accordance with article 14.3.1 of An Inuit Impact and Benefit Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada, signed in Pond Inlet on the 12th day of August, 1999, said parcel being more particularly described as follows:

Commencing at the intersection of longitude $76^{\circ}48'00''$ and the ordinary high water mark of Baffin Bay at approximate latitude $73^{\circ}19'30''$;

Thence south in a straight line to the intersection of said longitude with latitude $73^{\circ}18'00''$;

Thence west in a straight line to the intersection of said latitude with the ordinary high water mark of the right bank of an unnamed stream at approximate longitude $76^{\circ}57'30''$;

Thence northeasterly along the ordinary high water mark of the right bank of said unnamed stream to its intersection with the ordinary high water mark of Bathurst Bay at approximate latitude $73^{\circ}19'00''$ and approximate longitude $76^{\circ}56'00''$;

Thence easterly along the sinuosity of the ordinary high water mark of Bathurst

Bay and Baffin Bay to the point of commencement.

Said parcel containing about 11 square kilometres.

The remainder of the parcel described under Part II containing about 10 858 square kilometres.

PART III

On Baffin Island;

All that parcel being more particularly described as follows: All topographic features hereinafter referred to being according to the first edition of the Milne Inlet map sheet 48A and the second edition of the Navy Board Inlet map sheet 48D of the National Topographic System, as shown on sheets 27 and 30 of 237 respectively of maps recorded in the Land Titles Office at Yellowknife as 2405-27 and 2405-30 respectively, copies of which are recorded in the Canada Lands Surveys Records at Ottawa as 77288. All co-ordinates are derived from the above mentioned map sheets and are referred to the 1927 North American Datum.

Commencing at boundary monument 233PI as shown on Plan of Parcel PI-37 recorded in said records as 82243, a copy of which is filed in said office as 3382;

Thence on a bearing of 190°09'21", a distance of 15 449.93 metres to boundary monument 232PI as shown on said plan 82243;

Thence on a bearing of 132°49'06", a distance of 6 249.07 metres to boundary monument 231PI as shown on said plan;

Thence southerly along the sinuosity of the ordinary high water mark of the westerly coast of Navy Board Inlet to its intersection with the ordinary high water mark of the right bank of an unnamed stream at approximate latitude 72°50'20" and approximate longitude 80°30'25";

Thence westerly to a height of land at approximate latitude 72°47'25" and approximate longitude 81°05'55";

Thence southwesterly to a height of land at approximate latitude 72°44'50" and approximate longitude 81°17'15";

Thence southerly to a height of land at approximate latitude 72°37'35" and approximate longitude 81°26'00";

Thence southwesterly to a height of land at approximate latitude 72°33'45" and approximate longitude 81°40'45";

Thence northwesterly to boundary monument 236PI as shown on Plan of Parcel PI-38 recorded in said records as 82190, a copy of which is filed in said office as 3373;

Thence on a bearing of 288°11'00", a distance of 15 138.35 metres to boundary monument 235PI as shown on said Plan 82190;

Thence northwesterly to a height of land at approximate latitude 72°41'35" and

approximate longitude 82°32'15";

Thence northwesterly to a height of land at approximate latitude 72°50'35" and approximate longitude 82°53'40";

Thence northerly to a height of land at approximate latitude 72°59'00" and approximate longitude 82°50'10";

Thence northwesterly to boundary monument 50AB as shown on Plan of Parcel AB-07 recorded in said records as 82170, a copy of which is filed in said office as 3369;

Thence on a bearing of 329°30'48", a distance of 3 944.92 metres to boundary monument 49AB as shown on said plan;

Thence on a bearing of 313°44'26", a distance of 10 583.47 metres to boundary monument 48AB as shown on said plan;

Thence on a bearing of 54°52'23", a distance of 6 908.85 metres to boundary monument 47AB as shown on said plan;

Thence on a bearing of 79°50'50", a distance of 5 757.86 metres to boundary monument 46AB as shown on said plan;

Thence on a bearing of 340°19'51", a distance of 6 498.32 metres to boundary monument 45AB as shown on said plan;

Thence on a bearing of 268°38'30", a distance of 6 114.03 metres to boundary monument 44AB as shown on said plan;

Thence on a bearing of 224°25'02", a distance of 4 032.53 to boundary monument 43AB as shown on said plan;

Thence on bearing of 251°44'36", a distance of 5 093.84 metres to boundary monument 42AB as shown on said plan;

Thence northerly and northwesterly along the sinuosity of the ordinary high water mark of Elwin Inlet to its intersection with the southwesterly production of the southeasterly boundary of Parcel AB-08 between boundary monuments 54AB and 55AB as shown on Plan of said parcel recorded in said records as 82171, a copy of which is filed in said office as 3377;

Thence northeasterly along said production to boundary monument 55AB as shown on said plan;

Thence on a bearing of 49°54'41", a distance of 17 629.52 metres to boundary monument 54AB as shown on said plan;

Thence northeasterly along the ordinary high water mark of Admiralty Inlet to boundary monument 59AB as shown on Plan of Parcel AB-09 recorded in said records as 82172, a copy of which is filed in said office as 3362;

Thence on a bearing of 112°53'16", a distance of 8 947.05 metres to boundary monument 58AB as shown on said plan;

Thence on a bearing of 22°54'26", a distance of 14 326.67 metres to boundary monument 57AB as shown on said plan;

Thence easterly along the ordinary high water mark of Lancaster Sound to boundary monument 248PI as shown on Plan of Parcel PI-40 recorded in said records as 82244, a copy of which is filed in said office as 3381;

Thence on a bearing of 168°17'55", a distance of 11 388.34 metres to boundary monument 247PI as shown on said plan;

Thence on a bearing of 149°04'08", a distance of 8 452.73 metres to boundary monument 246PI as shown on said plan;

Thence on a bearing of 104°40'01", a distance of 5 426.72 metres to boundary monument 245PI as shown on said plan;

Thence southerly along the ordinary high water mark of Navy Board Inlet to boundary monument 244PI as shown on Plan of Parcel PI-39 recorded in said records as 82191, a copy of which is filed in said office as 3370;

Thence on a bearing of 287°33'31", a distance of 1 381.24 metres to boundary monument 243PI as shown on said plan;

Thence on a bearing of 250°07'54", a distance of 6 296.69 metres to boundary monument 242PI as shown on said plan;

Thence on a bearing of 174°19'10", a distance of 8 672.30 metres to boundary monument 241PI as shown on said plan;

Thence on a bearing of 147°14'04", a distance of 2 882.61 metres to boundary monument 240PI as shown on said plan;

Thence on a bearing of 166°48'38", a distance of 3 785.15 metres to boundary monument 239PI as shown on said plan;

Thence on a bearing of 105°46'59", a distance of 1 405.05 metres to boundary monument 238PI as shown on said plan;

Thence on a bearing of 53°38'52", a distance of 2 027.07 metres to boundary monument 237PI as shown on said plan;

Thence southeasterly along the ordinary high water mark of Navy Board Inlet to the point of commencement.

Said parcel described under Part III containing about 8 031 square kilometres.

PART IV

On Baffin Island;

All that parcel being more particularly described as follows: All topographic features hereinafter referred to being according to the second edition of the Arctic Bay and Navy Board Inlet map sheets, 48C and 48D of the National Topographic

System, as shown on sheets 29 and 30 of 237 respectively of maps recorded in the Land Titles Office at Yellowknife as 2405-29 and 2405-30 respectively, copies of which are recorded in the Canada Lands Surveys Records at Ottawa as 77288. All co-ordinates are derived from the above mentioned map sheets and are referred to 1927 North American Datum.

Commencing at point 226017RWM as shown on sheet 2 of 15 of a Descriptive Map Plan registered in said office as 2686, a copy of which is recorded in said records as 77419, said point being further described as the intersection of the ordinary high water mark of the west coast of Elwin Inlet and the ordinary high water mark of the right bank of an unnamed stream at approximate latitude $73^{\circ}18'45''$ and approximate longitude $83^{\circ}39'50''$;

Thence southwesterly to point 226016HL as shown on said sheet 2 of 15, said point being further described as a height of land at approximate latitude $73^{\circ}17'55''$ and approximate longitude $83^{\circ}41'05''$;

Thence westerly to a height of land at approximate latitude $73^{\circ}18'20''$ and approximate longitude $83^{\circ}45'30''$;

Thence northerly to a height of land at approximate latitude $73^{\circ}23'00''$ and approximate longitude $83^{\circ}47'35''$;

Thence northwesterly to the summit of Nautilus Mountain at approximate latitude $73^{\circ}25'50''$ and approximate longitude $84^{\circ}08'25''$;

Thence westerly in a straight line passing through a height of land at approximate latitude $73^{\circ}23'25''$ and approximate longitude $84^{\circ}33'00''$ to the ordinary high water mark of the northeast coast of Baillarge Bay;

Thence northerly, northeasterly and southeasterly along the sinuosity of the ordinary high water mark of the easterly coast of Baillarge Bay, the southeasterly coast of Admiralty Inlet, and the southwesterly coast of Elwin Inlet to the point of commencement.

Said parcel described under Part IV containing about 167 square kilometres.

Said parcels described under Parts I, II, III and IV containing together about 22 200 square kilometres.

(2) AUYUITTUQ NATIONAL PARK OF CANADA

In Nunavut;

On, and adjacent to, Cumberland Peninsula of Baffin Island;

All that parcel being more particularly described as follows: all topographic features hereinafter referred to being according to the first editions of the Pangnirtung, Clearwater Fiord, Nedlukseak Fiord, Ekalugad Fiord, Home Bay, Okoa Bay, Padloping Island and Cape Dyer map sheets 26I, 26J, 26O, 27B, 27A, 26P, 16M & N, and 16L & K respectively of the National Topographic System, as shown on sheets 83, 84, 88, 91, 90, 89, 65 and 64 of 237 respectively of maps recorded in the Land Titles Office at Yellowknife as 2405-83, 2405-84, 2405-88, 2405-91, 2405-90, 2405-89, 2405-65 and 2405-64 respectively, copies of which are recorded in the Canada Lands Surveys Records at Ottawa as 77288, as well

as the first edition of Isurtuq River map sheet 26N of the National Topographic System, produced at a scale of 1:250 000 by the Department of Energy, Mines and Resources (formerly Department of Mines and Technical Surveys) at Ottawa. All co-ordinates are derived from the above mentioned map sheets and are referred to the 1927 North American Datum.

Commencing at the summit of Overlord Peak, located at the northeasterly end of Pangnirtung Fiord, at approximate latitude 66°22'40" and approximate longitude 65°26'20";

Thence northwesterly to a peak having an elevation of about 1 372 metres, at approximate latitude 66°24'00" and approximate longitude 65°33'20";

Thence northerly to the summit of Aegir Peak, at approximate latitude 66°24'50" and approximate longitude 65°33'40";

Thence northerly to the summit of Niord Peak, at approximate latitude 66°26'20" and approximate longitude 65°34'00";

Thence northerly to a peak having an elevation of about 1 219 metres, at approximate latitude 66°29'30" and approximate longitude 65°33'30";

Thence northeasterly to the summit of Mount Odin, at approximate latitude 66°32'40" and approximate longitude 65°25'30";

Thence northeasterly to a peak having an elevation of about 1 676 metres, at approximate latitude 66°34'00" and approximate longitude 65°22'00";

Thence northeasterly to the summit of Freya Peak, at approximate latitude 66°38'40" and approximate longitude 65°15'20";

Thence westerly to a peak having an elevation of about 1 981 metres, at approximate latitude 66°38'50" and approximate longitude 65°27'40";

Thence northwesterly to a peak having an elevation of about 1 524 metres, at approximate latitude 66°42'20" and approximate longitude 65°43'00";

Thence southwesterly to a peak having an elevation of about 853 metres, at approximate latitude 66°39'00" and approximate longitude 66°01'20";

Thence southwesterly to a peak having an elevation of about 549 metres, at approximate latitude 66°35'30" and approximate longitude 66°08'00";

Thence northwesterly to a peak having an elevation of about 427 metres, at approximate latitude 66°38'20" and approximate longitude 66°23'20";

Thence northerly to a peak having an elevation of about 853 metres, at approximate latitude 66°44'30" and approximate longitude 66°22'40";

Thence northwesterly to a peak having an elevation of about 1 158 metres, at approximate latitude 66°55'10" and approximate longitude 66°34'30";

Thence northwesterly to a peak having an elevation of about 1 067 metres, at approximate latitude 67°02'00" and approximate longitude 66°39'40";

Thence westerly to a peak having an elevation of about 1 067 metres, at approximate latitude 67°01'30" and approximate longitude 66°54'00";

Thence northwesterly to a peak having an elevation of about 914 metres, at approximate latitude 67°08'50" and approximate longitude 67°11'20";

Thence westerly to a peak having an elevation of about 610 metres, at approximate latitude 67°09'10" and approximate longitude 67°21'40";

Thence northwesterly to a peak having an elevation of about 762 metres, at approximate latitude 67°17'50" and approximate longitude 67°30'20";

Thence northwesterly to a peak having an elevation of about 762 metres, at approximate latitude 67°25'30" and approximate longitude 67°40'40";

Thence northwesterly to a peak having an elevation of about 792 metres, at approximate latitude 67°35'30" and approximate longitude 68°03'00";

Thence northwesterly to a peak having an elevation of about 732 metres, at approximate latitude 67°46'00" and approximate longitude 68°14'00";

Thence northerly to a peak having an elevation of about 975 metres, at approximate latitude 67°57'00" and approximate longitude 68°12'30";

Thence northerly to a peak having an elevation of about 914 metres, at approximate latitude 68°05'00" and approximate longitude 68°06'30";

Thence northeasterly to a peak at approximate latitude 68°12'00" and approximate longitude 67°50'40", the last aforesaid peak being approximately at the position indicated by the spot elevation 1 590 feet shown on said Home Bay map sheet;

Thence northeasterly to a peak having an elevation of about 792 metres, at approximate latitude 68°14'00" and approximate longitude 67°40'00";

Thence northeasterly to a peak having an elevation of about 1 036 metres, at approximate latitude 68°17'20" and approximate longitude 67°23'00";

Thence northeasterly to a peak having an elevation of about 792 metres, at approximate latitude 68°19'00" and approximate longitude 67°15'00";

Thence easterly to the ordinary low water mark at the easterly extremity of a point of land at the northerly coast of the entrance to Confederation Fiord, said extremity being at approximate latitude 68°19'40" and approximate longitude 67°01'00";

Thence due south to a point on the ordinary low water mark along the southerly coast of the entrance to said Confederation Fiord, the last aforesaid point being at approximate latitude 68°17'30" and approximate longitude 67°01'00";

Thence first easterly, then southeasterly, then southerly along the sinuosity of the ordinary low water mark of the southwesterly coast of Home Bay to its intersection with latitude 68°09'30", at approximate longitude 66°50'30";

Thence southeasterly to the ordinary low water mark at the westerly extremity of a point of land at the easterly coast of the entrance to an unnamed fiord, said extremity being at approximate latitude 68°08'20" and approximate longitude 66°37'00";

Thence in general northeasterly and southeasterly directions, along the last aforesaid low water mark, to the easterly extremity of a point of land at approximate latitude 68°07'20" and approximate longitude 66°18'40";

Thence southeasterly to the intersection of longitude 66°17'00" with the ordinary low water mark along the southerly coast of the entrance to an unnamed fiord, at approximate latitude 68°05'10";

Thence in general easterly and southerly directions, along the last aforesaid low water mark, to the easterly extremity of a point of land along the westerly coast of Nedlukseak Fiord, at approximate latitude 68°00'50" and approximate longitude 66°11'00";

Thence easterly across the entrance to Nedlukseak Fiord, to the ordinary low water mark at the westerly extremity of a point of land at approximate latitude 68°01'20" and approximate longitude 66°03'00";

Thence in general easterly, northeasterly and southerly directions, along the last aforesaid low water mark, to the easterly extremity of a point of land at approximate latitude 67°59'30" and approximate longitude 65°58'40";

Thence southerly to the intersection of latitude 67°56'30" with the ordinary low water mark of Okoa Bay, at approximate longitude 66°00'00";

Thence easterly to the point where said latitude 67°56'30" intersects the ordinary low water mark along the easterly coast of Okoa Bay at approximate longitude 65°46'00";

Thence in general northerly, easterly, southeasterly, northeasterly, easterly and southeasterly directions, along the ordinary low water marks of Okoa Bay and Davis Strait, to the easterly extremity of a point of land at approximate latitude 67°58'30" and approximate longitude 65°27'00";

Thence southeasterly to the ordinary low water mark at the westerly extremity of Nunatsiaq island, at approximate latitude 67°57'50" and approximate longitude 65°26'00";

Thence in general southeasterly, northerly, easterly, southerly, easterly and northeasterly directions, along the last aforesaid low water mark, to the easterly extremity of said island at approximate latitude 67°59'30" and approximate longitude 65°12'00";

Thence easterly to the ordinary low water mark at the southerly extremity of a point of land, at approximate latitude 67°59'20" and approximate longitude 65°09'20";

Thence in general northwesterly, northerly, northeasterly, southerly, easterly, northerly, easterly and southeasterly directions, along the last aforesaid low water mark, to the easterly extremity of Kangeeak Point at approximate latitude 67°58'30" and approximate longitude 64°42'40";

Thence continuing along the last aforesaid low water mark in general southwesterly and westerly directions to its intersection with longitude 64°55'00", at approximate latitude 67°55'40";

Thence southerly to the ordinary low water mark at the easterly extremity of a point of land, at approximate latitude 67°55'10" and approximate longitude 64°55'30";

Thence in a general southwesterly direction along the last aforesaid low water mark to its intersection with latitude 67°51'00" at approximate longitude 65°03'00";

Thence southeasterly to the ordinary low water mark at the northerly extremity of a point of land at the easterly coast of the entrance to Quajon Fiord, the last aforesaid extremity being at approximate latitude 67°47'20" and approximate longitude 64°55'00";

Thence in general easterly and southerly directions along the last aforesaid low water mark to a point at approximate longitude 64°49'20", the last aforesaid point being due east of a peak having an elevation of about 762 metres and being located at approximate latitude 67°44'30" and approximate longitude 64°51'30";

Thence due west to the last aforesaid peak;

Thence southwesterly to a peak having an elevation of about 1 372 metres, at approximate latitude 67°39'20" and approximate longitude 65°01'00";

Thence southeasterly to a peak having an elevation of about 1 219 metres, at approximate latitude 67°29'00" and approximate longitude 64°42'30";

Thence southeasterly to a peak at approximate latitude 67°22'00" and approximate longitude 64°29'00", the last aforesaid peak being approximately at the position indicated by the spot elevation 4 525 feet shown on said Okoa Bay map sheet and being on the height of land forming the northerly limit of the watershed area of Maktak Fiord;

Thence in a general easterly direction along the last aforesaid height of land to a peak having an elevation of about 762 metres, at approximate latitude 67°20'00" and approximate longitude 64°03'20";

Thence southeasterly to the ordinary low water mark at the easterly extremity of a point of land at the northerly coast of the entrance to North Pangnirtung Fiord, the last aforesaid extremity being at approximate latitude 67°16'00" and approximate longitude 63°57'20";

Thence southerly, across North Pangnirtung Fiord, to a peak having an elevation of about 610 metres, at approximate latitude 67°11'00" and approximate longitude 63°55'20";

Thence southeasterly to a peak having an elevation of about 762 metres, at approximate latitude 67°07'20" and approximate longitude 63°48'40";

Thence southerly to a peak at approximate latitude 67°02'20" and approximate longitude 63°52'20", the last aforesaid peak being approximately at the position indicated by the spot elevation 4,364 feet shown on said Padloping Island map sheet;

Thence southerly to a peak having an elevation of about 1 219 metres, at approximate latitude 66°55'00" and approximate longitude 63°56'00";

Thence southwesterly to a peak having an elevation of about 1 067 metres, at approximate latitude 66°50'40" and approximate longitude 64°08'40";

Thence southwesterly to a peak having an elevation of about 1 524 metres, at approximate latitude 66°42'40" and approximate longitude 64°35'00";

Thence southwesterly to the summit of Mount Fleming, at approximate latitude 66°41'00" and approximate longitude 64°41'00";

Thence southwesterly to a peak having an elevation of about 1 981 metres, at approximate latitude 66°34'20" and approximate longitude 65°04'30";

Thence southwesterly to a peak having an elevation of about 1 676 metres, at approximate latitude 66°29'40" and approximate longitude 65°10'30";

Thence westerly to a peak having an elevation of about 1 829 metres, at approximate latitude 66°28'40" and approximate longitude 65°19'30";

Thence southwesterly to a peak having an elevation of about 1 219 metres, at approximate latitude 66°26'40" and approximate longitude 65°26'00";

Thence southerly to the point of commencement;

Saving and excepting those parcels described in Schedule 8-1 of the Nunavut Land Claims Agreement, said parcels being more particularly described as follows:

Narpaing and Quajon Fiords, the inlet between Quajon Fiord and Inuit Owned Lands Parcel BI-38/26P, the islands in those fiords and inlet, Kivitoo Harbour and Kivitoo DEW Line Site; and

Inuit Owned Land Parcels:

BI-20/26P,27A

BI-23/26O, 27A

BI-24/26O, 27A

BI-25/26O27A

BI-38/26P

Said Auyuittuq National Park of Canada containing about 13 089 square kilometres.

(3) QUTTINIRPAAQ NATIONAL PARK OF CANADA

In Nunavut;

On Ellesmere Island;

All topographic features being according to the Gazetteer of Canada (Northwest Territories) First Edition, Ottawa 1980 and to National Topographic Series Maps, (120 C&D Lady Franklin Bay), (120 E Robeson Channel), (120 F&G Clements

Markham Inlet), (340 E&H M'Clintock Inlet) and (340 D Tanquary Fiord) produced at a scale of 1:250,000 by the Department of Energy, Mines and Resources at Ottawa;

All that part of said Ellesmere Island, including a part of the Arctic Ocean, the bays, the fiords, Discovery Harbour, the inlets, the rivers, the lakes, the islands and all the streams that lie within the boundaries which may be more particularly described as follows:

Commencing at the summit of Mount Thompson located at approximate latitude 81°15' and approximate longitude 76°57';

Thence southeasterly to the summit of Mount Koch at approximate latitude 81°11' and approximate longitude 75°20';

Thence easterly to the summit of Mount Neville at approximate latitude 81°10' and approximate longitude 70°33';

Thence easterly to a point on the ordinary low water mark of Beatrix Bay at the mouth of an unnamed stream that flows into Beatrix Bay at approximate latitude 81°11' and approximate longitude 70°12';

Thence generally northeasterly following the ordinary low water mark along the north side of Beatrix Bay and Archer Fiord to the most easterly point of the promontory on the southwest side of Simmonds Bay at approximate latitude 81°14' and approximate longitude 69°18';

Thence northeasterly across Simmonds Bay to the most southerly point on the ordinary low water mark on the north side of Archer Fiord at approximate latitude 81°15' and approximate longitude 69°09';

Thence generally northeasterly following the ordinary low water mark along the northern side of Archer Fiord to its most northeasterly point at Keppel Head at approximate latitude 81°31' and approximate longitude 66°37';

Thence northeasterly across Lady Franklin Bay to the most southerly point on the ordinary low water mark at Distant Cape at approximate latitude 81°43' and approximate longitude 64°27';

Thence generally northeasterly following the ordinary low water mark along Watercourse Bay on the northern side of Robeson Channel to its most easterly point at Cape Murchison at approximate latitude 81°46' and approximate longitude 64°06';

Thence northeasterly across St. Patrick Bay to the most southerly point on the ordinary low water mark near Cartmel Point at approximate latitude 81°47' and approximate longitude 64°02';

Thence generally northeasterly following the ordinary low water mark along the northern side of Robeson Channel to a point at the entrance of Wrangel Bay at approximate latitude 81°58'30" and approximate longitude 62°32';

Thence northwesterly to a point at latitude 82°03'00" and longitude 63°01'00" being approximately 990.5 metres on an approximate azimuth of 231°14'31" from an unnamed peak having an elevation of about 655 metres at approximate latitude

82°03' and approximate longitude 62°58';

Thence northwesterly to an unnamed peak having an elevation of about 732 metres at approximate latitude 82°09' and approximate longitude 63°35';

Thence northwesterly to the summit of Mount Eugene at approximate latitude 82°25' and approximate longitude 66°47';

Thence northwesterly to a point on the ordinary low water mark on the south side of Clements Markham Inlet at longitude 68°00'00" and approximate latitude 82°39';

Thence due north along said longitude 68°00'00" and across Clements Markham Inlet to a point on the ordinary low water mark on the north side of Clements Markham Inlet at approximate latitude 82°42';

Thence generally northeasterly following the ordinary low water mark along the northern side of Clements Markham Inlet to its most northerly point at Cape Colan at approximate latitude 82°55' and approximate longitude 66°20';

Thence northwesterly in the Arctic Ocean to the intersection of latitude 83°09'00" and longitude 70°00'00";

Thence westerly in the Arctic Ocean to the intersection of latitude 83°09'00" and longitude 74°20'00";

Thence southwesterly in the Arctic Ocean to the intersection of latitude 83°05'00" and longitude 77°10'00";

Thence southwesterly to the most northerly point on the ordinary low water mark at the entrance of M'Clintock Inlet near Borup Point at approximate latitude 82°56' and approximate longitude 77°47';

Thence southerly to the summit of Mount Ayles at approximate latitude 82°43' and approximate longitude 77°18';

Thence southerly to an unnamed peak having an elevation of about 1,829 metres at approximate latitude 82°31' and approximate longitude 77°04';

Thence due south to an unnamed peak having an elevation of about 1,676 metres at approximate latitude 81°49' and approximate longitude 77°04';

Thence southwesterly to an unnamed peak having an elevation of about 1,524 metres at approximate latitude 81°34' and approximate longitude 79°03';

Thence southeasterly to triangulation station number 629232 (established by the Geodetic Survey Division of the Earth Sciences Sector, Natural Resources Canada at Ottawa, the geographic coordinates of said station being at latitude 81°18'38.8738" and longitude 78°07'09.4867" according to the 1975 Arctic Islands Adjustment, North American Datum of 1927);

Thence southeasterly along the production of the last aforesaid mentioned line to its intersection with the ordinary low water mark on the northwest side of Tanquary Fiord at approximate latitude 81°18' and approximate longitude 78°07';

Thence easterly across Tanquary Fiord to its intersection with a point on the ordinary low water mark on the southeast side of Tanquary Fiord near Fishhook Point at approximate longitude 77°37'00" and approximate latitude 81°19'

Thence southeasterly to the point of commencement;

Excluding thereout and therefrom the whole of Ward Hunt Island together with a right of access to Ward Hunt Island from the part of the Arctic Ocean included within the boundaries described above.

The above described lands containing about 37 775 square kilometres.

2000, c. 32, Sch. 1; 2001, c. 34, s. 25(F); 2002, c. 7, s. 106; SOR/2003-345; 2004, c. 20, s. 1.

SCHEDULE 2

(Sections 2, 6, 7 and 41)

NATIONAL PARK RESERVES OF CANADA

KLUANE NATIONAL PARK RESERVE OF CANADA

In Yukon;

Adjoining the westerly and southerly boundaries of said territory;

All that parcel being more particularly described as follows, all topographic features hereinafter referred to, except where otherwise stated, being according to the first edition of the Dezadeash map sheet number 115A, produced at a scale of 1:250,000 by the Army Survey Establishment, R.C.E., at Ottawa, and to the second edition of the Mount St. Elias map sheet number 115B & 115C and the first edition of the Kluane Lake map sheet number 115G & 115F, produced at a scale of 1:250,000 by the Department of Energy, Mines and Resources (formerly Department of Mines and Technical Surveys) at Ottawa:

Commencing on latitude 60°00'00" at the point where the British Columbia-Yukon Boundary meets the International Boundary between Alaska and Yukon, at approximate longitude 139°03'30";

Thence easterly along the British Columbia-Yukon Boundary to its most westerly intersection with the right bank of Tatshenshini River, at approximate longitude 137°12'45";

Thence in a general northerly direction along the right banks of the Tatshenshini River and Silver Creek to a point on the southerly bank of a small unnamed lake, at approximate latitude 60°08'00" and longitude 137°21'20", the last aforesaid point being described with reference to the first edition of the Dalton Post map sheet number 115A/3 West, produced at a scale of 1:50,000 by the Army Survey Establishment, R.C.E., at Ottawa;

Thence northerly in a straight line to a peak having an elevation of about 1828.8 metres, at approximate latitude 60°11'00" and longitude 137°22'20", as shown on the last aforesaid map;

Thence northeasterly in a straight line to a peak at approximate latitude 60° 16'45" and longitude 137°09'40", the last aforesaid peak being approximately at the position indicated by the spot elevation 2180.8 metres shown on the first edition of the Mush Lake map sheet number 115A/6 East, produced at a scale of 1:50,000 by the Army Survey Establishment, R.C.E., at Ottawa;

Thence easterly in a straight line to a peak having an elevation of about 1920.2 metres, at approximate latitude 60°16'45" and longitude 137°06'10", as shown on the last aforesaid map;

Thence easterly in a straight line to a standard post, pits and mound numbered H158, marking the southwesterly limit of the right-of-way of the Haines Cut-Off Road, according to Plan 42121 in the Canada Lands Surveys Records at Ottawa, said post being at approximate latitude 60°17'25" and longitude 137°00'30";

Thence in a general northwesterly direction, along said limit, according to plans 42121, 42120, 42119, 42118 and 41519 in said Records, to the southerly limit of the Alaska Highway, at Haines Junction, as the last aforesaid limit is shown on said plan 41519;

Thence westerly along said southerly limit to the westerly limit of Bunoz Street, as the last aforesaid limit is shown on said plan 41519;

Thence southerly along said westerly limit, 15.2 metres, more or less, to the southerly limit of the Alaska Highway as widened, as the last aforesaid limit is shown on plan 40905 in said Records;

Thence in a general northwesterly direction along the last aforesaid limit, according to plans 40905 and 40906 in said Records, to the angle in the last aforesaid limit opposite a standard post, pits and mound numbered H1863, the last aforesaid post, being located at approximate latitude 60°46'50" and longitude 137° 38'00";

Thence westerly in a straight line to a peak at approximate latitude 60°45'30" and longitude 137°47'40", the last aforesaid peak being approximately at the position indicated by the spot elevation 2249.4 metres shown on said Dezadeash map sheet 115A;

Thence northwesterly in a straight line to the summit of Mount Archibald, at approximate latitude 60°47'10" and longitude 137°52'20";

Thence northwesterly in a straight line to the summit of Mount Cairnes, at approximate latitude 60°52'00" and longitude 138°16'30";

Thence westerly in a straight line to the summit of Vulcan Mountain, at approximate latitude 60°53'00" and longitude 138°28'00";

Thence northerly in a straight line to the angle in the southerly limit of the Alaska Highway opposite a standard post, pits and mound numbered H2034, the last aforesaid post being shown on plan 40911 in said Records and being located at approximate latitude 60°59'30" and longitude 138°28'00";

Thence in general westerly and northerly directions along the last aforesaid limit, according to plans 40911 and 40912 in said Records, to its most northerly intersection with the right bank of Congdon Creek, at approximate latitude 61°

08'50" and longitude 138°33'30";

Thence in a general southwesterly direction along the last aforesaid bank to its most easterly intersection with the straight line joining a peak having an elevation of about 2225 metres, at approximate latitude 61°05'10" and longitude 138°42'40", and the most easterly of two peaks having an elevation of about 2346.9 metres, at approximate latitude 61°05'10" and longitude 138°47'15", the last aforesaid intersection being described with reference to the second edition of the Destruction Bay map sheet number 115G/2, produced at a scale of 1:50,000 by the Army Survey Establishment, R.C.E., at Ottawa:

Thence westerly in a straight line to the last aforesaid peak;

Thence northwesterly in a straight line to a peak having an elevation of about 2286 metres, at approximate latitude 61°09'30" and longitude 138°55'45";

Thence northwesterly in a straight line to a peak having an elevation of about 2133.6 metres, at approximate latitude 61°14'00" and longitude 139°05'30";

Thence northwesterly in a straight line to Topographic Survey Monument 66-A-19, being a brass plug at approximate elevation 1932.1 metres and located at approximate latitude 61°16'16" and longitude 139°13'11";

Thence northwesterly in a straight line to Topographic Survey Monument 66-A-37, being a brass plug at approximate elevation 2278.4 metres and located at approximate latitude 61°20'05" and longitude 139°35'06";

Thence westerly in a straight line to a peak at approximate elevation 2895.6 metres and located at approximate latitude 61°19'00" and longitude 140°06'30";

Thence southwesterly in a straight line to the summit of

Mount Wood, at approximate latitude 61°14'00" and longitude 140°30'30";

Thence westerly in a straight line to the summit of

Mount Craig, at approximate latitude 61°16'00" and longitude 140°53'00";

Thence due west to said International Boundary between Alaska and Yukon;

Thence southerly along the last aforesaid boundary to the point of commencement;

Saving and excepting, those parts of said parcel lying within 304.8 metres of said limit of the Haines Cut-off Road and within 304.8 metres of said limit of the Alaska Highway;

Also saving and excepting, those portions of said parcel transferred to Kluane National Park of Canada, as referred to in the description thereof in Part 11 of Schedule 1.

NAHANNI NATIONAL PARK RESERVE OF CANADA

In the Northwest Territories:

Along the South Nahanni River:

All that parcel being more particularly described as follows, all topographic features hereinafter referred to being according to the first edition of The Twisted Mountain map sheet number 95 G/4 of the National Topographic System, produced at a scale of 1:50,000 by the Department of Energy, Mines and Resources at Ottawa and according to the second editions of the Flat River, Virginia Falls and Sibbeston Lake map sheets and the first edition of the Glacier Lake Map sheet, numbers 95E, 95F, 95G and 95L respectively of the National Topographic System, produced at a scale of 1:250,000, by the Army Survey Establishment, R.C.E., at Ottawa:

Commencing at National Topographic Survey Monument 63-A-152 being a brass plug located on Yohin Ridge, at approximate latitude $61^{\circ}12'07''$ and approximate longitude $123^{\circ}50'51''$;

Thence southeasterly in a straight line to the more southwesterly of two peaks having an elevation of about 1432.6 metres, at approximate latitude $61^{\circ}06'55''$ and approximate longitude $123^{\circ}44'55''$;

Thence southeasterly in a straight line to a peak having an elevation of about 1005.8 metres, at approximate latitude $61^{\circ}04'45''$ and approximate longitude $123^{\circ}42'20''$;

Thence northeasterly in a straight line to latitude $61^{\circ}05'45''$ and longitude $123^{\circ}39'00''$;

Thence northerly in a straight line, across the South Nahanni River, to the summit of Twisted Mountain, at approximate latitude $61^{\circ}12'30''$ and approximate longitude $123^{\circ}36'30''$;

Thence northwesterly in a straight line to latitude $61^{\circ}18'00''$ and longitude $123^{\circ}46'00''$;

Thence westerly in a straight line to latitude $61^{\circ}17'00''$ and longitude $123^{\circ}56'00''$;

Thence northwesterly in a straight line to a peak at approximate latitude $61^{\circ}24'00''$ and approximate longitude $124^{\circ}35'00''$, said peak being approximately at the spot elevation 6,105 feet (1860.8 metres) shown on said Virginia Falls map sheet;

Thence westerly in a straight line to latitude $61^{\circ}24'00''$ and longitude $124^{\circ}51'00''$;

Thence northwesterly in a straight line to Army Survey Establishment Monument "Scrub", being a cairn at approximate latitude $61^{\circ}37'20''$ and approximate longitude $125^{\circ}18'03''$;

Thence northwesterly in a straight line to Army Survey Establishment Monument "Lock", being a cairn at approximate latitude $61^{\circ}45'26''$ and approximate longitude $125^{\circ}43'41''$;

Thence northwesterly in a straight line to Army Survey Establishment Monument "Next", being a cairn at approximate latitude $61^{\circ}53'09''$ and approximate longitude $126^{\circ}14'11''$;

Thence westerly in a straight line to Army Survey Establishment Monument "Dip", being a cairn at approximate latitude 61°54'39" and approximate longitude 126°35'40";

Thence northwesterly in a straight line to Army Survey Establishment Monument "Hop", being a cairn at approximate latitude 62°00'31" and approximate longitude 126°57'27";

Thence westerly in a straight line to Army Survey Establishment Monument "Flag", being a bronze bolt at approximate latitude 61°58'14" and approximate longitude 127°23'31";

Thence southerly in a straight line to Army Survey Establishment Monument "Skip", being a cairn at approximate latitude 61°54'43" and approximate longitude 127°24'03";

Thence southerly in a straight line to a peak at approximate latitude 61°50'00" and approximate longitude 127°25'30", the last aforesaid peak being approximately at the position indicated by the spot elevation 8,822 feet (2688.9 metres) shown on said Flat River map sheet;

Thence southwesterly in a straight line to a peak having an elevation of about 2438.4 metres, at approximate latitude 61°45'40" and approximate longitude 127°30'00", the last aforesaid peak being on the height of land forming the southwesterly limit of the watershed area of Hole-in-the-Wall Creek;

Thence in general southeasterly and easterly directions along the last aforesaid height of land to a peak at approximate latitude 61°45'30" and approximate longitude 127°17'00", the last aforesaid peak being approximately at the position indicated by the spot elevation 8,302 feet (2530.5 metres) shown on said Flat River map sheet;

Thence easterly in a straight line to a peak having an elevation of about 1524 metres, at approximate latitude 61°46'00" and approximate longitude 127°06'40";

Thence northerly in a straight line to a peak having an elevation of about 2286 metres, at approximate latitude 61°49'00" and approximate longitude 127°05'00";

Thence easterly in a straight line to Army Survey Establishment Monument "Don", being a cairn at approximate latitude 61°49'24" and approximate longitude 126°59'17", the last aforesaid Monument being approximately at the position indicated by the spot elevation 7,401 feet (2255.8 metres) shown on said Flat River map sheet;

Thence easterly in a straight line to Army Survey Establishment Monument "Cross", being a cairn at approximate latitude 61°50'26" and approximate longitude 126°40'00";

Thence southeasterly in a straight line to Army Survey Establishment Monument "Saddle", being a cairn at approximate latitude 61°46'08" and approximate longitude 126°26'27";

Thence southeasterly in a straight line to Army Survey Establishment Monument "Mesa", being a cairn at approximate latitude 61°42'34" and approximate longitude 126°15'16";

Thence southeasterly in a straight line to Army Survey Establishment Monument "Andy", being a cairn at approximate latitude $61^{\circ}38'11''$ and approximate longitude $126^{\circ}10'52''$, the last aforesaid Monument being approximately at the position indicated by the spot elevation 5,022 feet (1530.7 metres) shown on said Flat River map sheet;

Thence southwesterly in a straight line to a peak at approximate latitude $61^{\circ}32'20''$ and approximate longitude $126^{\circ}42'40''$, the last aforesaid peak being approximately at the position indicated by the spot elevation 6,687 feet (2038.2 metres) shown on said Flat River map sheet;

Thence southeasterly in a straight line to a peak having an elevation of about 1524 metres, at approximate latitude $61^{\circ}21'30''$ and approximate longitude $126^{\circ}35'20''$;

Thence northeasterly in a straight line to National Topographic Survey Monument 63-A-9, being a brass plug at approximate latitude $61^{\circ}28'12''$ and approximate longitude $126^{\circ}18'39''$;

Thence southeasterly in a straight line to a peak at approximate latitude $61^{\circ}22'00''$ and approximate longitude $125^{\circ}49'00''$, the last aforesaid peak being approximately at the position indicated by the spot elevation 4,511 feet (1375 metres) shown on said Virginia Falls map sheet;

Thence easterly in a straight line to a peak at approximate latitude $61^{\circ}26'30''$ and approximate longitude $125^{\circ}21'00''$, the last aforesaid peak being approximately at the position indicated by the spot elevation 4,497 feet (1370.7 metres) shown on said Virginia Falls map sheet;

Thence easterly in a straight line to Army Survey Establishment Monument "Nubby", being a cairn at approximate latitude $61^{\circ}24'05''$ and approximate longitude $125^{\circ}04'19''$;

Thence southeasterly in a straight line to National Topographic Survey Monument 63-A-107, being a brass plug at approximate latitude $61^{\circ}16'38''$ and approximate longitude $124^{\circ}42'32''$;

Thence southeasterly in a straight line to Army Survey Establishment Monument "Mary", being a cairn at approximate latitude $61^{\circ}08'04''$ and approximate longitude $124^{\circ}34'02''$;

Thence northeasterly in a straight line to latitude $61^{\circ}16'00''$ and longitude $124^{\circ}09'00''$;

Thence southeasterly in a straight line to latitude $61^{\circ}13'00''$ and longitude $124^{\circ}00'00''$;

Thence easterly in a straight line to the point of commencement; all co-ordinates described above being Geodetic, referred to the North American Datum of 1927; said parcel containing about 4766 square kilometres.

MINGAN ARCHIPELAGO NATIONAL PARK RESERVE OF CANADA

In the Province of Quebec;

All those lands being the whole and entire Fief and Seigneurie of the Isles and Islets of Mingan, situate and being on the coast of the North shore of the St. Lawrence River, in the Province of Quebec, the said Fief and Seigneurie consisting of the Isles and Islets which being on the said North shore of the St. Lawrence River from Perroquet Island, longitude 64°12'40" following continuation to the mouth of River Aguanus, longitude 62°05'00" in such manner as the said Fief and Seigneurie with its rights is more amply conceded and designated by the title of concession granted to Jacques de Lalande and Louis Joliet.

Some of the Isles and Islets forming part of the Fief and Seigneurie of the Isles and Islets of Mingan are now known and designated as being lots number FOUR HUNDRED, FOUR HUNDRED ONE, FOUR HUNDRED TWO, FOUR HUNDRED THREE, FOUR HUNDRED FOUR, FOUR HUNDRED FIVE and FOUR HUNDRED SIX (400, 401, 402, 403, 404, 405, 406) of the revised cadastre of parts of the Municipality of Havre Saint-Pierre, Registration Division of Sept-Iles. The other Isles and Islets, forming part of the Fief and Seigneurie of the Isles and Islets of Mingan are without cadastral designation.

Notwithstanding the generality of the foregoing, the following Isles and Islets (without cadastral designation) forming part of the Fief and Seigneurie of the Isles and Islets of Mingan are not included in the present description, namely: Perroquet Island, Havre de Mingan Island, Le Sanctuaire Island, De la Maison Island, Wreck Island, Aux Sauvages Island and that part of Fright Island described in a deed registered at the Saguenay Registry Office on January 15, 1952, under number 13630.

Those lands included in the present description containing about 150.7 square kilometres and excluding the lands situated below the ordinary high water mark of the said Isles and Islets.

The longitudes mentioned above were scaled from the 1:250,000 map sheets 12L and 22I of the national topographic series.

PACIFIC RIM NATIONAL PARK RESERVE OF CANADA

PART I

All those parcels or tracts of land, together with all that foreshore and land covered by water, situated in Clayoquot District and lying within the following described limits:

Commencing at the northeast corner of Wya Indian Reserve No. 7;

Thence westerly along the northerly limit of Wya Indian Reserve No. 7 and continuing westerly along the westerly production of said northerly limit to the 20 metre isobath of the bed of the Pacific Ocean as shown on Canadian Hydrographic Service (C.H.S.) Chart 3603 and which indicates depths as being reduced to lowest normal tide, which at Tofino is 2.1 metres below mean water level;

Thence in a general northwesterly direction along said 20 metre isobath to the westerly production of the northerly limit of District Lot 1360;

Thence easterly along said westerly production of the northerly limit of District Lot 1360 to its northwest corner, being a point on the shore of Cox Bay, and continuing easterly along the northerly limits of District Lots 1360 and 256 to the northwest corner of the northeast quarter of District Lot 256;

Thence southerly and easterly along the westerly and southerly limits of said northeast quarter of District Lot 256 to the easterly limit of District Lot 256;

Thence southerly along said easterly limit of District Lot 256 to its southeast corner;

Thence southerly in a straight line to the northwest corner of District Lot 1966;

Thence southerly and easterly along the westerly and southerly limits of District Lot 1966 and continuing easterly along the easterly production of the southerly limit of said District Lot 1966 to the westerly limit of District Lot 242;

Thence northerly along the westerly limits of District Lots 242, 243 and 250 to the northwest corner of said District Lot 250, being a point on the southerly shore of an unnamed arm of Browning Passage;

Thence in a general easterly direction along said southerly shore of the unnamed arm, being the northerly limits of District Lots 250, 249, 251 and 252 to the northeast corner of said District Lot 252;

Thence in a general northwesterly direction along said southerly shore of the unnamed arm and continuing in a general easterly direction along the southerly shore of Browning Passage to a point lying due west of the most westerly point of District Lot 1431;

Thence on a bearing of 45°, a distance of about 221 metres to a point lying due west of the most northerly point of Dinner Island, being part of District Lot 288;

Thence due east to said northerly point of Dinner Island and continuing due east 101 metres to a point;

Thence on a bearing of 135°, to a point on the southerly shore of Browning Passage, said point lying about 704 metres due north and about 604 metres due east from the most westerly southwest corner of said District Lot 288;

Thence southeasterly along said southerly shore of Browning Passage to a point lying due west of the most westerly point of Indian Island;

Thence due east to said most westerly point of Indian Island;

Thence in a general northeasterly and southeasterly direction along the shore of said Indian Island to its most easterly point;

Thence southwesterly in a straight line to a point on the southerly shore of Tofino Inlet, said point being about 480 metres due east of the most southerly point of District Lot 1680, being Indian Island Indian Reserve No. 30;

Thence on a bearing of 135° to the northerly limit of the watershed of Grice Bay;

Thence in a general southeasterly direction along said northerly limit of the watershed of Grice Bay to the westerly limit of District Lot 1473;

Thence southerly along the westerly limits of District Lots 1473 and 1472 to the southwest corner of said District Lot 1472;

Thence due south to the northerly limit of District Lot 494;

Thence easterly and southerly along the northerly and easterly limits of District Lots 494 and 487A to the northwest corner of District Lot 398;

Thence easterly along the northerly limits of District Lots 398 and 403 to the northwest corner of District Lot 404;

Thence southerly and easterly along the westerly and southerly limits of said District Lot 404 to the northwest corner of District Lot 1385;

Thence easterly and southerly along the northerly and easterly limits of said District Lot 1385 and the west half of District Lot 1321 to the southwest corner of the east half of District Lot 1321;

Thence easterly along the southerly limits of District Lot 1321 and 1320 to the northwest corner of the east half of District Lot 1314;

Thence southerly and easterly along the westerly and southerly limits of said east half of District Lot 1314 to the northwest corner of District Lot 428;

Thence easterly and southerly along the northerly and easterly limits of District Lot 428 to the southwest corner of District Lot 1313;

Thence easterly along the southerly limit of said District Lot 1313 to the northeast corner of District Lot 442;

Thence southerly along the easterly limits of District Lots 442, 441, 447, 461 and 464 to the northeast corner of Lot 1 of District Lot 467 as shown on a plan deposited in the Land Title Office at Victoria as 44818;

Thence southerly and westerly along the easterly and southerly limits of said Lot 1 as shown on said Plan 44818, to the northeast corner of Wya Indian Reserve No. 7, being the point of commencement.

EXCEPT

Firstly: the whole of Oo-oolth Indian Reserve No. 8, Quisitis Indian Reserve No. 9, Kootowis Indian Reserve No. 4, Esowista Indian Reserve No. 3 and Indian Island Indian Reserve No. 30;

Secondly: the Tofino Airport, described as:

(a) District Lots 167, 168, 169, 170 and 178, Clayoquot District;

(b) those portions of District Lots 163, 164 and 165 lying to the north of Tofino-Ucluelet Highway as shown on Plan 1417RW in said office, a copy of which is recorded in the Canada Lands Surveys Records at Ottawa as 82048, excepting from said District Lot 163, Parcel A as shown on Plan 32328 in said office, a copy of which is recorded in said records as 65248;

(c) those portions of District Lots 113, 166 and 192 lying to the north and east of Tofino-Ucluelet Highway on said Plan 1417RW in said office;

(d) those portions of District Lots 193, 194, 195 and 196 lying to the east of Plan 1371RW in said office;

Thirdly: Parcel 1 and Village Connector Road, as shown on a plan recorded in the Canada Lands Surveys Records at Ottawa as 88700.

PART II

All those parcels or tracts of land, together with all that foreshore and land covered by water, situated in Barclay District and lying within the following described limits:

Commencing at the centre of Sail Rock, being a small islet west of Benson Island, District Lot 43;

Thence due north 2.735 kilometres to a point;

Thence on a bearing of 38°, a distance of 8.046 kilometres to a point;

Thence on a bearing of 115°30', a distance of 9.334 kilometres to a point;

Thence on a bearing of 217°, a distance of 12.391 kilometres to a point;

Thence on a bearing of 296°, a distance of about 6.598 kilometres to a point due south of the centre of Sail Rock;

Thence due north about 1.931 kilometres to the centre of Sail Rock, being the point of commencement.

EXCEPT the whole of each of the following:

Cleho Indian Reserve No. 6, Keith Island Indian Reserve No. 7, Nettle Island Indian Reserve No. 5 and Omoah Indian Reserve No. 9.

PART III

Firstly: Lot A in Section 18 as shown on Plan 38380 in said office, and the west half of the north half of the north half of the southeast quarter of said Section 18, all in Township 1, Barclay District.

Secondly: Lot 1 of Sections 1 and 12 as shown on Plan 44813 in said office, a copy of which is recorded in said records as 82763, Lots 4, 5, 6 and 7 as shown on a plan recorded in said records as 83569, and Lot A in Section 1 as shown on Plan 10982 in said office, a copy of which is recorded in said records as 82765, all in Township 11, Renfrew District.

Thirdly: All those parcels or tracts of land, together with all that foreshore and land covered by water, situated in Barclay and Renfrew Districts, and lying within the following described limits:

Commencing at the southwest corner of Oyees Indian Reserve No. 9, Renfrew District, being a point on the southeasterly shore of Nitinat Lake;

Thence easterly along the southerly limit of said Oyees Indian Reserve No. 9 to

its southeast corner;

Thence due south 1.006 kilometres to a point;

Thence due east 783 metres to a point;

Thence southerly in a straight line to the northwest corner of Block A of District Lot 756;

Thence easterly along the northerly limit of said Block A of District Lot 756 to its northeast corner;

Thence southerly along the easterly limits of Blocks A and B of District Lot 756 to Pipe Post No. 1, being a point on the easterly limit of the Reserve for Pacific Rim National Park as shown on Plan 12 Tube 1410 on file with the Office of The Surveyor General of the Ministry of Environment, Lands and Parks, Victoria, a copy of which is recorded in said records as 71572;

Thence in general westerly and southwesterly directions along said easterly limit of the Reserve for Pacific Rim National Park as shown on said Plan 12 Tube 1410 to the northeast corner of Section 56;

Thence southerly along the easterly limit of said Section 56 to its southeast corner;

Thence on a bearing of 190°, a distance of 609 metres to a point;

Thence southeasterly in a straight line to the northeast corner of Section 50;

Thence southeasterly in a straight line to a point on the easterly limit of District Lot 727, said point being about 340 metres due north and about 1.319 kilometres due west from the northeast corner of District Lot 730;

Thence due east to the right bank of Carmanah Creek;

Thence in a general southerly direction along said right bank of Carmanah Creek to a point about 305 metres due south and about 230 metres due east from the northeast corner of District Lot 729;

Thence southeasterly in a straight line to the most northerly northeast corner of District Lot 732;

Thence southerly and easterly along the easterly and northerly limits of said District Lot 732 to the northwest corner of District Lot 734;

Thence easterly and southerly along the northerly and easterly limits of said District Lot 734 to the northerly limit of District Lot 49;

Thence easterly along the northerly limits of District Lots 49 and 736 to the northeast corner of said District Lot 736;

Thence southerly along the easterly limit of said District Lot 736 to the northwest corner of District Lot 737;

Thence easterly along the northerly limit of said District Lot 737 to its northeast corner;

Thence on a bearing of 110°, a distance of 7.320 kilometres to a point;

Thence due east 4.828 kilometres to a point;

Thence due north 920 metres to a point;

Thence northeasterly in a straight line to the northwest corner of District Lot 708;

Thence easterly along the northerly limit of said District Lot 708 to its northeast corner;

Thence easterly in a straight line to the southwest corner of the Fractional south half of Section 11, Township 11;

Thence northerly and easterly along the westerly and northerly limits of said Fractional south half of Section 11 to a point on the right bank of Gordon River, and shown as the most northerly northeast corner of Lot A of said Section 11, Township 11, Renfrew District as shown on Plan 44812 in said office, a copy of which is recorded in said records as 82764;

Thence in a general southerly direction along said right bank of Gordon River and continuing southerly along the right bank of San Juan River to the northwesterly shore of Port San Juan;

Thence in a general southwesterly direction along said northwesterly shore of Port San Juan to a point lying about 1.0 metres due south of the P.Rock shown on Plan 7 Tube 1550, on file with said Office of The Surveyor General, a copy of which is recorded in said records as Plan 73926, being a survey of part of the easterly limit of the Reserve for Pacific Rim National Park;

Thence southerly along said easterly limit of the Reserve for Pacific Rim National Park, as shown on said Plan 7 Tube 1550 to the P.Rock at the most easterly point of Owen Island, shown on said Plan 7 Tube 1550, and continuing southerly along the southerly production of said easterly limit to the 20 metre isobath of the bed of Juan de Fuca Strait, as shown on Canadian Hydrographic Service (C.H.S.) Chart 3606 and which indicates depths as being reduced to lowest normal tide, which at Port Renfrew is 2.0 metres below mean water level;

Thence in a general northwesterly direction along said 20 metre isobath of the bed of Juan de Fuca Strait and continuing in general northwesterly and northeasterly directions along the 20 metre isobath of the bed of the Pacific Ocean as shown on Canadian Hydrographic Service (C.H.S.) Chart 3602 and which indicates depths as being reduced to lowest normal tide, which at Bamfield is 2.0 metres below mean water level, to a point lying due west of the northwest corner of District Lot 412, Barclay District;

Thence due east to said northwest corner of District Lot 412, being a point on the northerly shore of Tapaltos Bay;

Thence easterly along the northerly limits of District lot 412, Fractional Section 7 and Fractional Section 8 of Township 1, to the northwest corner of Anacla Indian

Reserve No. 12;

Thence southerly along the westerly limit of Anacla Indian Reserve No. 12 to its southwest corner, being a point on the right bank of Pachena River;

Thence on a bearing of 100° , a distance of about 183 metres to the northeasterly shore of Pachena Bay, being a point on the southerly limit of said Anacla Indian Reserve No. 12;

Thence in a general southeasterly direction along said northeasterly shore of Pachena Bay to the southeast corner of said Anacla Indian Reserve No. 12;

Thence northerly along the easterly limit of Anacla Indian Reserve No. 12 to the northwest corner of Lot 1 of Section 9, Township 1, as shown on Plan 44819 in said office;

Thence easterly and southerly along the northerly and easterly limits of said Lot 1 on said Plan 44819, to the northwest corner of the northeast quarter of Section 4, Township 1;

Thence southerly along the westerly limit of said northeast quarter of Section 4 to its southwest corner;

Thence southwesterly in a straight line to the northeast corner of District Lot 659;

Thence southwesterly in a straight line to the northwest corner of District Lot 273;

Thence southerly and easterly along the westerly and southerly limits of said District Lot 273 to the northeast corner of District Lot 275;

Thence southerly along the easterly limit of said District Lot 275 to its southeast corner;

Thence southeasterly in a straight line to the northwest corner of District Lot 281;

Thence easterly along the northerly limits of District Lots 281 and 282 to the Pipe Post set as a quarter post on the northerly limit of said District Lot 282;

Thence on a bearing of 140° , a distance of 240 metres to a point;

Thence on a bearing of 108° , a distance of 680 metres to a point;

Thence on a bearing of 119° , a distance of 1.670 kilometres to a point;

Thence easterly in a straight line to the northwest corner of District lot 288;

Thence southeasterly in a straight line to the most northeasterly internal corner of District Lot 103;

Thence easterly along the northerly limits of District Lots 103, 60 and 59 to the northwesterly internal corner of District Lot 59;

Thence easterly in a straight line to the northwest corner of District Lot 527;

Thence easterly along the northerly limit of District Lot 527, Barclay District, a distance of about 650 metres to the northwesterly limit of the watershed of Tsusiat Lake;

Thence in a general northeasterly direction along the northwesterly limits of the watersheds of Tsusiat and Hobiton Lakes to a point being about 3.010 kilometres due north and about 1.690 kilometres due west of the northwest corner of Homitan Indian Reserve No. 8;

Thence due east 600 metres to a point;

Thence on a bearing of 139°, a distance of 1.100 kilometres to a point;

Thence due south to the northwesterly limit of the watershed of Nitinat Lake;

Thence in a general southwesterly direction along said northwesterly limit of the watershed of Nitinat Lake to a point being about 260 metres due north and about 860 metres due west of the northwest corner of Homitan Indian Reserve No. 8;

Thence southeasterly in a straight line to the intersection of the left bank of Hobiton Creek with the westerly limit of Homitan Indian Reserve No. 8;

Thence southerly and easterly along the westerly and southerly limits of Homitan Indian Reserve No. 8 to its southeast corner, being a point on the westerly shore of Nitinat Lake;

Thence in a general southwesterly direction along said westerly shore of Nitinat Lake to a point lying due north of the northwest corner of District Lot 769, Renfrew District;

Thence southeasterly in a straight line to the most northerly point of Block A of District Lot 746, Renfrew District, being a point on the southerly shore of Nitinat Lake;

Thence in general easterly and northeasterly directions along said southerly shore of Nitinat Lake, to the southwest corner of Oyees Indian Reserve No. 9, being the point of commencement.

EXCEPT

Firstly: the whole of each of the following:

Ahuk Indian Reserve No. 1, Carmanah Indian Reserve No. 6, Cheewat Indian Reserve No. 4A, Claoose Indian Reserve No. 4, Clutus Indian Reserve No. 11, Cullite Indian Reserve No. 3, Iktuksasuk Indian Reserve No. 7, Kich-ha Indian Reserve No. 10, Masit Indian Reserve No. 13, Sarque Indian Reserve No. 5, Tsuquanah Indian Reserve No. 2, and Wyah Indian Reserve No. 3;

Secondly: Lot 2 of Block 10, Lots 1 and 2 of Block 16, Lot 8 of Block 18 and Lot 3 of Block 37, all of Section 57, Plan 1771 in said office, and Block 7 of District Lot 527, Plan 2008 in said office, and Section 63, all in Renfrew District.

PART IV

All those parcels or tracts of land, together with all that foreshore and land covered by water, situated in Clayoquot District and lying within the following described limits:

Commencing at the northeast corner of Section 70, Alberni District (situated in Clayoquot District), being a point on the southerly shore of Kennedy Lake;

Thence southerly along the easterly limit of said Section 70 to the northwesterly limit of Alberni-Tofino Highway, as shown on Plan 1936RW in said office;

Thence in a general southerly direction along the westerly limit of said Alberni-Tofino Highway to the southeast corner of Lot 1 of Sections 69 and 70, Alberni District (situated in Clayoquot District), Plan 44820 in said office;

Thence westerly, northerly, westerly and northerly along the southerly and westerly limits of said Lot 1 to its northwest corner, being a point on the southerly shore of Kennedy Lake;

Thence due north 300 metres to a point;

Thence easterly in a straight line to a point 500 metres due north of the northeast corner of said Section 70;

Thence due south to said northeast corner of Section 70, being the point of commencement.

GWAIL HAANAS NATIONAL PARK RESERVE OF CANADA

In the Province of British Columbia;

In Queen Charlotte Land District;

In the Queen Charlotte Islands;

All those parcels being more particularly described under **FIRSTLY, SECONDLY AND THIRDLY** as follows:

FIRSTLY:

All those parcels or tracts of land, together with all that foreshore or land covered by water lying above the ordinary high water mark (O.H.W.M.) of the Queen Charlotte Islands and situated southerly of a line described as follows:

Commencing at the intersection of the 52°50'05" parallel of north latitude with the 131°20'10" meridian of west longitude (said intersection being a point in Hecate Strait approximately 10 kilometres northeasterly of Lost Islands);

Thence westerly in a straight line to the ordinary high water mark at the most northeasterly point of Tangil Peninsula at Porter Head at approximate latitude 52°48'35" and approximate longitude 131°39'20" (said line passing approximately 2 kilometres north of Lost Islands);

Thence southwesterly in a straight line to the most easterly peak on the Tangil Peninsula at approximate latitude 52°48'10" and approximate longitude 131°39'39";

Thence generally westerly along the watershed boundary that separates those creeks that flow into Dana Inlet from those that flow into Logan Inlet to Standard B.C. capped post being the intersection of the northerly boundary of the watershed of Crescent Inlet with the said watershed boundary that separates those creeks that flow into Dana Inlet from those that flow into Logan Inlet, said post shown as point G on a plan recorded in the Canada Lands Surveys Records at Ottawa as 79937, a copy of which is filed in the Land Title Office at Prince Rupert as PRP 41538;

Thence on a bearing of 211°52'07" through two Standard B.C. capped posts, a total distance of 4 607.526 metres to the northeast corner of Lot 663 as shown on said Plan 79937;

Thence southerly and westerly along the easterly and southerly boundaries of said Lot 663 to the intersection with the southerly boundary of the watershed of Crescent Inlet, said intersection marked by a Pipe Post, being a point on the northerly boundary of Gwaii Haanas National Park Reserve as shown on Plan 9 Tube 1483 on file with the Surveyor General Branch of the Ministry of Environment, Lands and Parks, at Victoria, a duplicate of which is recorded as Plan 72869 in the Canada Lands Surveys Records at Ottawa;

Thence generally southwesterly along the southerly boundary of the watershed of said Crescent Inlet, being also a portion of the southerly boundary of Tree Farm Licence 24 Block 2, to the intersection with the easterly boundary of the Lockeport Four Mineral Claim, Record Number 5828(2), said intersection marked by a Pipe Post, being a point on the northerly boundary of the Gwaii Haanas National Park Reserve as shown on Plan 27 Tube 1452 on file with the Surveyor General Branch of the Ministry of Environment, Lands and Parks, at Victoria, a duplicate of which is recorded as Plan 72242 in the Canada Lands Surveys Records at Ottawa;

Thence southerly and westerly along the easterly and southerly boundaries of the said mineral claim to the intersection with the southerly boundary of the watershed of Crescent Inlet, said intersection marked by a P.Rock being a point on said northerly boundary of the Gwaii Haanas National Park Reserve as shown on said Plan 27 Tube 1452;

Thence generally westerly along the southerly boundaries of the watershed of said Crescent Inlet and of Tasu Sound, being also a portion of the southerly boundary of Tree Farm Licence 24 Block 2, to a point on the O.H.W.M. at Tasu Head, said southerly boundaries crossing in sequence the summits of Apex Mountain, Mount de la Touche, Mount Oliver and Mount Moody;

Thence southwesterly in a straight line to the intersection of the 52°40'36" parallel of north latitude with the 132°13'16" meridian of west longitude (said intersection being a point in the Pacific Ocean approximately 10 kilometres from said point on the O.H.W.M. at Tasu Head);

Save and Except the following described parcels or tracts of land:

Firstly:

The whole of Tanoo Indian Reserve No. 9 (Tanu) according to Plan B.C. 42

recorded in the Canada Lands Surveys Records at Ottawa.

Secondly:

That part of District Lot 120 as dealt with by Plan 80235 in said records, a copy of which is filed in the Land Title Office at Prince Rupert as PRP 41539.

Thirdly:

Lot 1 of District Lot 120, Plan 9837.

Fourthly:

Forest Exclusion Areas 1 to 3 (inclusive) described as:

Area 1

Those parcels or tracts of land described as Blocks 3, 4 and 5 in Schedule "B" of Tree-Farm Licence No. 24, dated May 2, 1979, and on the Official Register of the Forest Service, Timber Harvesting Branch, Victoria, British Columbia.

Area 2

That portion of Block 2 described in Schedule "B" of said Tree Farm Licence lying to the south and east of the above described line.

Area 3

Lots 640, 647, 660 and 1940 (being Timber Licences TO938, TO943, TO931 and TO950, respectively), together with that portion of Special Timber Licence 1209P (being TO924) which lies to the south of the above described line.

Fifthly:

Mineral Exclusion Areas 1 to 5 (inclusive) described as:

Area 1

Commencing at Poole Point, being a point on the easterly O.H.W.M. of Burnaby Island at approximate latitude 52°22'23" and approximate longitude 131°14'35";

Thence generally westerly and southwesterly along the O.H.W.M. of Burnaby Island to the most southerly point of Francis Bay, being a point on said O.H.W.M. at approximate latitude 52°21'51" and approximate longitude 131°17'00";

Thence southwesterly in a straight line to the most northerly point of Swan Bay, being a point on the O.H.W.M. of Burnaby Island at approximate latitude 52°21'00" and longitude 131°18'10";

Thence southeasterly in a straight line to the intersection of the 52°20'15" parallel of north latitude with the 131°17'00" meridian of west longitude;

Thence easterly in a straight line to a point on the 52°20'15" parallel of north

latitude lying due south of Poole Point, being a point on the easterly O.H.W.M. of Burnaby Island and being the point of commencement;

Thence due north to said point of commencement.

Area 2

Commencing at the northwest corner of Lot 105, being a point on the O.H.W.M. of Skincuttle Inlet;

Thence due north to a point lying due west of Deluge Point, Moresby Island, said point at approximate latitude $52^{\circ}19'36''$ and approximate longitude $131^{\circ}13'00''$;

Thence due east to said Deluge Point, Moresby Island, being a point on the O.H.W.M. of Skincuttle Inlet, at approximate latitude $52^{\circ}19'36''$ and approximate longitude $131^{\circ}10'00''$;

Thence generally southeasterly along the O.H.W.M. of Skincuttle Inlet to Ikeda Point, Moresby Island, being a point on the O.H.W.M. of Hecate Strait at approximate latitude $52^{\circ}18'55''$ and approximate longitude $131^{\circ}08'10''$;

Thence southeasterly in a straight line to the most easterly point of Marion Rock, being a point on the O.H.W.M. of Collison Bay at approximate latitude $52^{\circ}17'25''$ and approximate longitude $131^{\circ}06'30''$;

Thence due south to a point lying due east of the southeast corner of Lot 2748;

Thence due west to a point lying due south of the southeast corner of Lot 2610;

Thence northwesterly in a straight line to the most southerly corner of Lot 2604;

Thence northwesterly along the southwesterly boundary of said Lot 2604 to the most westerly corner thereof;

Thence northerly in a straight line to the northwest corner of Lot 2607;

Thence northeasterly in a straight line to the most westerly corner of Lot 79;

Thence northeasterly in a straight line to the most westerly corner of Lot 88;

Thence northeasterly along the northwesterly boundary of said Lot 88 to the most northerly corner thereof, and continuing northeasterly in a straight line to the northwest corner of Lot 2597;

Thence northeasterly along the northerly boundary of said Lot 2597 to the O.H.W.M. of Harriet Harbour, on the easterly shore thereof;

Thence generally northerly, northwesterly and northeasterly along the O.H.W.M. of Harriet Harbour and Skincuttle Inlet to the point of commencement.

Area 3

Commencing at a point on the O.H.W.M. of Richardson Island, on the westerly shore thereof, lying due east of the southeast corner of Lot 663, said point being at

approximate latitude 52°43'35" and approximate longitude 131°45'15";

Thence southeasterly in a straight line to the intersection of latitude 52°39'25" with longitude 131°42'36", said straight line passing to the west of Lyell and Shuttle Islands;

Thence southeasterly in a straight line to the intersection of latitude 52°34'00" with longitude 131°35'45", said intersection lying easterly of Darwin Point, Moresby Island;

Thence easterly in a straight line to a point on latitude 52°34'00" lying due south of Sedgwick Point, being a point on the O.H.W.M. of Lyell Island and at approximate latitude 52°35'50" and approximate longitude 131°32'15";

Thence due north to the O.H.W.M. of Sedgwick Bay, on the most northerly shore thereof at approximate latitude 52°38'00" and approximate longitude 131°32'15";

Thence generally northwesterly along said O.H.W.M. of Sedgwick Bay to a point thereon lying due south of Powivco Point being a point on the O.H.W.M. of Atli Inlet, said point on the O.H.W.M. of Sedgwick Bay at approximate latitude 52°39'10" and approximate longitude 131°35'20";

Thence in a straight line on a bearing of 345° to a point on the northerly O.H.W.M. of Dog Island at approximate latitude 52°44'15" and approximate longitude 131°37'45";

Thence northwesterly in a straight line to Tanu Point, being a point on the O.H.W.M. of Tanu Island at approximate latitude 52°44'46" and approximate longitude 131°42'35";

Thence southwesterly in a straight line to the point of commencement.

Area 4

Commencing at the intersection of latitude 52°04'25" with longitude 131°02'24";

Thence northerly along said longitude 131°02'24" to the O.H.W.M. of Heater Harbour on the southerly shore thereof;

Thence generally northwesterly along said O.H.W.M. of Heater Harbour to the intersection of said O.H.W.M. with latitude 52°07'26";

Thence westerly in a straight line to the intersection of latitude 52°07'26" with longitude 131°08'10";

Thence southwesterly in a straight line to the intersection of latitude 52°06'00" with longitude 131°08'15";

Thence southeasterly in a straight line to the intersection of latitude 52°04'20" with a point on the O.H.W.M. of Kunghit Island at approximate longitude 131°06'50";

Thence easterly in a straight line to the point of commencement.

Area 5

Commencing at the southeast corner of Lot 663;

Thence westerly along the southerly boundary of said Lot 663 to the intersection with the southerly boundary of the watershed of Crescent Inlet, said intersection marked by a Pipe Post, being a point on the northerly boundary of the Gwaii Haanas National Park Reserve as shown on Plan 9 Tube 1483 on file with the Surveyor General Branch of the Ministry of Environment, Lands and Parks, at Victoria, a duplicate of which is recorded as Plan 72869 in the Canada Lands Surveys Records at Ottawa;

Thence generally southwesterly along the southerly boundary of the watershed of said Crescent Inlet, being also a portion of the southerly boundary of Tree Farm Licence 24 Block 2, to the intersection with the easterly boundary of the Lockeport Four Mineral Claim, Record Number 5828(2), said intersection marked by a Pipe Post, being a point on the northerly boundary of the Gwaii Haanas National Park Reserve as shown on Plan 27 Tube 1452 on file with the Surveyor General Branch of the Ministry of Environment, Lands and Parks, at Victoria, a duplicate of which is recorded as Plan 72242 in the Canada Lands Surveys Records at Ottawa;

Thence southerly and westerly along the easterly and southerly boundaries of the said mineral claim to the intersection with the southerly boundary of the watershed of Crescent Inlet, said intersection marked by a P.Rock being a point on said northerly boundary of the Gwaii Haanas National Park Reserve as shown on said Plan 27 Tube 1452;

Thence generally westerly along the southerly boundary of the watershed of Crescent Inlet to the intersection with the westerly boundary of the watershed of Darwin Sound;

Thence generally southerly along said westerly boundary of the watershed of Darwin Sound to a point lying due west of the southwest corner of Lot 647;

Thence due east to a point on a line drawn between the intersection of latitude 52°39'25" with longitude 131°42'36" and the intersection of latitude 52°34'00" with longitude 131°35'45";

Thence northwesterly along said line drawn between the intersection of latitude 52°39'25" with longitude 131°42'36" and the intersection of latitude 52°34'00" with longitude 131°35'45" to said intersection of latitude 52°39'25" with longitude 131°42'36";

Thence northwesterly in a straight line to a point on the O.H.W.M. of Richardson Island, on the westerly shore thereof, lying due east of the southeast corner of Lot 663, said point being at approximate latitude 52°43'35" and approximate longitude 131°45'15";

Thence due west to said southeast corner of Lot 663, being the point of commencement.

Explanatory Note: All topographic features herein referred to being according to the Gazetteer of Canada (British Columbia) Third Edition, Ottawa 1985; to National Topographic Series (N.T.S.) Map, (103 B-C Moresby Island, Edition 2) produced at a scale of 1:250,000 by the Army Survey Establishment at Ottawa; to N.T.S. Maps

(102-0/14 and 102-0/15 Cape St. James), (103B/2W Lyman Point), (103B/3 Kunghit Island), (103B/5 Gowgaia Bay), (103B/6 Burnaby Island), (103B/11 Ramsay Island), (103B/12 Darwin Sound), (103B/13 and 103B/14 Louise Island) and (103C/9 Tasu Head) produced at a scale of 1:50,000 by the Department of Energy, Mines and Resources at Ottawa and to Canadian Hydrographic Service (C.H.S.) Chart 3853 produced at a scale of 1:150,000 by the Department of Fisheries and Oceans, Ottawa.

SECONDLY:

Commencing at a point on the O.H.W.M. of Richardson Island, on the westerly shore thereof, lying due east of the southeast corner of Lot 663, said point being at approximate latitude 52°43'35" and approximate longitude 131°45'15";

Thence southeasterly in a straight line to the intersection of latitude 52°39'25" with longitude 131°42'36", said straight line passing to the west of Lyell and Shuttle Islands;

Thence southeasterly in a straight line to the intersection of latitude 52°34'00" with longitude 131°35'45", said intersection lying easterly of Darwin Point, Moresby Island;

Thence easterly in a straight line to a point on latitude 52°34'00" lying due south of Sedgwick Point, being a point on the O.H.W.M. of Lyell Island and at approximate latitude 52°35'50" and approximate longitude 131°32'15";

Thence due north to the O.H.W.M. of Sedgwick Bay, on the most northerly shore thereof at approximate latitude 52°38'00" and approximate longitude 131°32'15";

Thence generally northwesterly along said O.H.W.M. of Sedgwick Bay to a point thereon lying due south of Powrivco Point being a point on the O.H.W.M. of Atli Inlet, said point on the O.H.W.M. of Sedgwick Bay at approximate latitude 52°39'10" and approximate longitude 131°35'20";

Thence in a straight line on a bearing of 345° to a point on the northerly O.H.W.M. of Dog Island at approximate latitude 52°44'15" and approximate longitude 131°37'45";

Thence northwesterly in a straight line to Tanu Point, being a point on the O.H.W.M. of Tanu Island at approximate latitude 52°44'46" and approximate longitude 131°42'35";

Thence southwesterly in a straight line to the point of commencement.

THIRDLY:

All those parcels or tracts of land, together with all that foreshore or land covered by water lying above the ordinary high water mark; (O.H.W.M.) of the Queen Charlotte Islands and more particularly described as follows:

Firstly:

Commencing at the southeast corner of Lot 663;

Thence due east to the ordinary high water mark of Darwin Sound;

Thence in a general northeasterly direction along the ordinary high water mark of Darwin Sound and continuing in a general northwesterly direction along the ordinary high water mark of Crescent Inlet to its intersection with a straight line running from the northeast corner of Lot 663 to Standard B.C. capped post shown as point G on a plan recorded in the Canada Lands Surveys Records at Ottawa as 79937, a copy of which is filed in the Land Title Office at Prince Rupert as PRP 41538;

Thence on a bearing of 211°52'07" to the northeast corner of Lot 663 as shown on said Plan 79937;

Thence southerly along the easterly boundary of said Lot 663 to the southeast corner thereof,

being the point of commencement.

Secondly:

Commencing at the intersection of the northerly ordinary high water mark of Crescent Inlet with a straight line running from the northeast corner of Lot 663 to Standard B.C. capped post shown as point G on a plan recorded in the Canada Lands Surveys Records at Ottawa as 79937, a copy of which is filed in the Land Title Office at Prince Rupert as PRP 41538;

Thence in general southeasterly, northeasterly and northerly directions along the ordinary high water marks of Crescent Inlet, Logan Inlet and Hecate Strait to the most northeasterly point of Tangil Peninsula at Porter Head at approximate latitude 52°48'35" and approximate longitude 131°39'20";

Thence southwesterly in a straight line to the most easterly peak on the Tangil Peninsula at approximate latitude 52°48'10" and approximate longitude 131°39'39";

Thence westerly along the watershed boundary that separates those creeks that flow into Dana Inlet from those that flow into Logan Inlet to Standard B.C. capped post being the intersection of the northerly boundary of the watershed of Crescent Inlet with the said watershed boundary that separates those creeks that flow into Dana Inlet from those that flow into Logan Inlet, said post shown as point G on a plan recorded in the Canada Lands Surveys Records at Ottawa as 79937, a copy of which is filed in the Land Title Office at Prince Rupert as PRP 41538;

Thence on a bearing of 211°52'07" to the point of commencement, except that portion of Special Timber Licence 1209 P (being TO924) lying within the described boundaries.

Thirdly:

That portion of Richardson Island lying to the north and west of a straight line drawn between Tanu Point, being a point on the ordinary high water mark of Tanu Island (at approximate latitude 52°44'46" and approximate longitude 131°42'35") and a point on the ordinary high water mark of Richardson Island, on the westerly shore thereof, lying due east of the southeast corner of Lot 663, said point being at approximate latitude 52°43'35" and approximate longitude 131°45'15", except Lot 660 (being Timber Licence TO931);

Those portions of Lyell Island lying to the east of a straight line drawn on a bearing of 345° between a point on the ordinary high water mark of Sedgwick Bay (at approximate latitude 52°39'10" and approximate longitude 131°35'20") lying due south of Powrivco Point, being a point on the ordinary high water mark of Atli Inlet, and a point on the northerly ordinary high water mark of Dog Island at approximate latitude 52°44'15" and approximate longitude 131°37'45", except Lot 1940 (being Timber Licence TO950);

Tanu Island, except Lot 640 (being Timber Licence TO938) and the whole of Tanoo Indian Reserve No. 9 (Tanu) according to Plan B.C. 42 recorded in the Canada Lands Surveys Records at Ottawa;

Kunga Island; Faraday Island; Murchison Island; and Ramsay Island.

Fourthly:

Huxley Island, Alder Island and Bolkus Islands, together with that portion of Burnaby Island lying to the north and west of a straight line drawn between the most southerly point of Francis Bay, being a point on the ordinary high water mark of Burnaby Island (at approximate latitude 52°21'51" and approximate longitude 131°17'00"), and the most northerly point of Swan Bay, being a point on the ordinary high water mark of Burnaby Island (at approximate latitude 52°21'00" and longitude 131°18'10").

Fifthly:

That portion of Moresby Island lying to the east of the westerly boundaries of the watersheds of Louscoone Inlet, Skincuttle Inlet and Burnaby Strait, and to the south of the northerly boundary of the watershed of Bag Harbour, except that portion within the following described boundaries:

Commencing at the northwest corner of Lot 105, being a point on the ordinary high water mark of Moresby Island;

Thence in general easterly, southwesterly, northeasterly, southerly, southwesterly and northeasterly directions along the ordinary high water mark of Moresby Island to the most easterly point of Marion Rock, being a point on said ordinary high water mark at approximate latitude 52°17'25" and approximate longitude 131°06'30";

Thence due south to a point lying due east of the southeast corner of Lot 2748;

Thence due west to a point lying due south of the southeast corner of Lot 2610;

Thence northwesterly in a straight line to the most southerly corner of Lot 2604;

Thence northwesterly along the southwesterly boundary of said Lot 2604 to the most westerly corner thereof;

Thence northerly in a straight line to the northwest corner of Lot 2607;

Thence northeasterly in a straight line to the most westerly corner of Lot 79;

Thence northeasterly in a straight line to most westerly corner of Lot 88;

Thence northeasterly along the northwesterly boundary of said Lot 88 to the most northerly corner thereof, and continuing northeasterly in a straight line to the northwest corner of Lot 2597;

Thence northeasterly along the northerly boundary of said Lot 2597 to the ordinary high water mark of Moresby Island;

Thence generally northerly, northwesterly and northeasterly along the ordinary high water mark of Moresby Island to the point of commencement.

Explanatory Note: All topographic features herein referred to being according to the Gazetteer of Canada (British Columbia) Third Edition, Ottawa 1985; to National Topographic Series (N.T.S.) Map, (103 B-C Moresby Island, Edition 2) produced at a scale of 1:250,000 by the Army Survey Establishment at Ottawa; to N.T.S. Maps (102-0/14 and 102-0/15 Cape St. James), (103B/2W Lyman Point), (103B/3 Kunghit Island), (103B/5 Gowgaia Bay), (103B/6 Burnaby Island), (103B/11 Ramsay Island), (103B/12 Darwin Sound), (103B/13 and 103B/14 Louise Island) and (103C/9 Tasu Head) produced at a scale of 1:50,000 by the Department of Energy, Mines and Resources at Ottawa and to Canadian Hydrographic Service (C.H.S.) Chart 3853 produced at a scale of 1:150,000 by the Department of Fisheries and Oceans, Ottawa.

2000, c. 32, Sch. 2; 2002, c. 7, s. 107(E); 2004, c. 20, s. 2.

SCHEDULE 3

(Section 26)

PROTECTED SPECIES PART 1

<i>Common Name</i>	<i>Scientific Name</i>
Piping plover	<i>Charadrius melodus</i>
Peregrine falcon	<i>Falco peregrinus</i>
Gyrfalcon	<i>Falco rusticolus</i>
Whooping crane	<i>Grus americana</i>
Mountain goat	<i>Oreamnos americanus</i>
Bighorn sheep	<i>Ovis canadensis</i>
Dall's sheep	<i>Ovis dalli</i>
Eastern Massasauga rattlesnake	<i>Sistrurus catenatus catenatus</i>
Grizzly bear	<i>Ursus arctos</i>
Polar bear	<i>Ursus maritimus</i>

PART 2

<i>Common Name</i>	<i>Scientific Name</i>
Moose	<i>Alces alces</i>
American bison	<i>Bison bison</i>
Wolf	<i>Canis lupus</i>
American elk (Wapiti)	<i>Cervus elaphus</i>

Cougar (Mountain lion)	<i>Felis concolor</i>
Mule deer	<i>Odocoileus hemionus</i>
White-tailed deer	<i>Odocoileus virginianus</i>
Caribou	<i>Rangifer tarandus</i>
Atlantic salmon	<i>Salmo salar</i>
Black bear	<i>Ursus americanus</i>

SCHEDULE 4

(Sections 33 and 34)

PARK COMMUNITIES

Column 1 Name of Community	Column 2 Description of Community	Column 3 Description of Commercial Zones	Column 4 Maximum Floor Area (m ²)
1. Field	Plan 88096 recorded in the Canada Lands Surveys Records at Ottawa	Plan 88097 recorded in the Canada Lands Surveys Records at Ottawa and the lands in the Province of British Columbia, in Kootenay District, in the Townsite of Field as shown on a plan 88096 recorded in the Canada Lands Surveys Records at Ottawa, in Yoho National Park, more particularly described as follows: Firstly; That part of Lot W as shown on the plan recorded in the Canada Lands Surveys Records at Ottawa under number 37572, said part described as follows: Commencing at an iron bar located at a bearing of 225°02'51" a distance of 50.04 metres from an iron bar located on the west boundary of Second Street East and labelled as Point 52 on a plan recorded in the said Canada Lands Surveys Records under number 52883; Thence continuing on a bearing of 225° 02'51" a distance of 32.46 metres to a capped post; Thence on a bearing of 250°37'12" a distance of 20.12 metres to an iron post; Thence on a bearing of 333°06'36" a distance of 26.06 metres to an iron post; Thence on a curve to the right having a radius of 268.10 metres, an arc distance of 9.18 metres, having a chord bearing of 64°05'21" and a chord distance of 9.18 metres;	5,055

Thence on a bearing of 335°04'20" a distance of 2.00 metres to an iron post;

Thence on a bearing of 65°04'11" a distance of 42.25 metres to an iron post;

Thence on a bearing of 155°04'20" a distance of 19.03 metres more or less, to the point of commencement.

The said parcel being shown as Lot 1 on a plan recorded in the Vancouver office of Legal Surveys Division of Natural Resources Canada under number MPS768;

The said parcel containing an area of 1329 square metres more or less.

Secondly;

That part of Lot W as shown on a plan recorded in the Canada Lands Surveys Records at Ottawa under number 37572, said part described as follows:

Commencing at an iron bar located at a bearing of 250°37'12" a distance of 70.71 metres from a capped post, said capped post located at a bearing of 225°02'51" a distance of 82.50 metres from an iron bar located on the west boundary of Second Street East and labelled as Point 52 on a plan recorded in the said Canada Lands Surveys Records under number 52883;

Thence on a bearing of 135°59'40" a distance of 17.92 metres to a capped post;

Thence on a bearing of 221°06'07" a distance of 101.88 metres to a capped post;

Thence on a bearing of 297°19'56" a distance of 29.76 metres to an iron post;

Thence on a curve to the right having a radius of 268.10 metres, an arc distance of 112.60 metres, having a chord bearing of 39°21'50" and a chord distance of 111.78 metres to an iron post;

Thence on a bearing of 135°59'40" a distance of 14.50 metres more or less, to the point of commencement.

The said parcel being shown as Lot 2 on a plan recorded in the Vancouver office of Legal Surveys Division of Natural Resources Canada under number MPS768;

The said parcel containing an area of

3712 square metres more or less.

Thirdly;

That part of Lot W as shown on the plan recorded in the Canada Lands Surveys Records at Ottawa under number 37572, said part described as follows:

Commencing at an iron post located at a bearing of $294^{\circ}49'39''$ a distance of 16.78 from an iron post, said iron post being located at a bearing of $198^{\circ}21'20''$ a distance of 29.64 metres from an iron post located on the north west boundary of Stephen Avenue and labelled as Point 329 on a plan recorded in the said Canada Lands Surveys Records under number 52883;

Thence on a bearing of $201^{\circ}30'39''$ a distance of 25.27 metres to an iron post;

Thence on a bearing of $289^{\circ}42'06''$ a distance of 56.77 metres to an iron post;

Thence on a bearing of $19^{\circ}42'06''$ a distance of 25.26 metres to an iron post;

Thence on a bearing of $109^{\circ}42'06''$ a distance of 57.57 metres more or less, to the point of commencement.

The said parcel being shown as Lot 3 on a plan recorded in the Vancouver office of Legal Surveys Division of Natural Resources Canada under number MPS768;

The said parcel containing an area of 1444 square metres more or less.

Fourthly;

That part of Lot W as shown on a plan recorded in the Canada Lands Surveys Records at Ottawa under number 37572, described as follows:

Commencing at an iron post located at a bearing of $198^{\circ}21'20''$ a distance of 29.64 metres from an iron post located on the north west boundary of Stephen Avenue and labelled as Point 329 on a plan recorded in the said Canada Lands Surveys Records under number 52883;

Thence continuing on a bearing of $198^{\circ}21'20''$ a distance of 18.54 metres to an iron post;

Thence on a bearing of $252^{\circ}10'46''$ a distance of 8.58 metres to an iron post;

Thence on a bearing of $289^{\circ}42'06''$ a distance of 11.15 metres to an iron

post;

Thence on a bearing of 21°30'39" a distance of 25.27 metres to an iron post;

Thence on a bearing of 114°49'39" a distance of 16.78 metres more or less, to the point of commencement.

The said parcel being shown as Lot 4 on a plan recorded in the Vancouver office of Legal Surveys Division of Natural Resources Canada under number MPS768;

The said parcel containing an area of 408 square metres more or less.

Fifthly;

That part of Lot V as shown on a plan recorded in the Canada Lands Surveys Records at Ottawa under number 37572, described as follows:

Commencing at an iron post located at a bearing of 203°04'12" a distance of 284.51 metres from a capped post located on the boundary of the Townsite of Field and labelled as Point 12 on a plan recorded in the said Canada Lands Surveys Records under number 83808;

Thence on a bearing of 109°04'25" a distance of 25.60 metres to an iron post in concrete;

Thence on a bearing of 199°05'15" a distance of 54.07 metres to an iron post in concrete;

Thence on a bearing of 289°04'46" a distance of 25.26 metres to an iron post;

Thence on a bearing of 11°59'25" a distance of 8.63 metres to a capped post;

Thence on a bearing of 20°00'10" a distance of 45.51 metres more or less, to the point of commencement.

The said parcel being shown as Lot 5 on a plan recorded in the Vancouver office of Legal Surveys Division of Natural Resources Canada under number MPS768;

The said parcel containing an area of 1402 square metres more or less.

All bearings are astronomic and are derived from the bearing between found capped posts on the boundary of the Townsite of Field as shown on a plan recorded in the said Canada Lands Surveys Records under number 83808,

		said capped posts labelled on this plan as points 33 and 34A and having a bearing between them of 63°15'40".	
2. Banff	Plan 88090 recorded in the Canada Lands Surveys Records at Ottawa	Plan 88091 recorded in the Canada Lands Surveys Records at Ottawa	361,390
3. Lake Louise	Plan 88092 recorded in the Canada Lands Surveys Records at Ottawa	Plan 88093 recorded in the Canada Lands Surveys Records at Ottawa	96,848
4. Waterton	Plan 88098 recorded in the Canada Lands Surveys Records at Ottawa	Plan 88099 recorded in the Canada Lands Surveys Records at Ottawa	36,518
5. Jasper	Plan 88094 recorded in the Canada Lands Surveys Records at Ottawa	Plan 88095 recorded in the Canada Lands Surveys Records at Ottawa	118,222
6. Waskesiu	Plan 88100 recorded in the Canada Lands Surveys Records at Ottawa	Plan 88101 recorded in the Canada Lands Surveys Records at Ottawa	34,575
7. Wasagaming	Plan 88102 recorded in the Canada Lands Surveys Records at Ottawa	Plan 88103 recorded in the Canada Lands Surveys Records at Ottawa	28,586

2000, c. 32, Sch. 4; SOR/2004-116.

SCHEDULE 5

(Section 36)

COMMERCIAL SKI AREAS LAKE LOUISE SKI AREA

In Banff National Park of Canada, the following described area:

The whole of Parcel DZ as shown on Plan 69749 in the Canada Lands Surveys Records at Ottawa, a copy of which has been deposited in the Land Titles Office for the South Alberta Land Registration District at Calgary under number 8510449,

said parcel containing 2192 hectares, more or less.

MOUNT NORQUAY SKI AREA

In Banff National Park of Canada, the following described area:

The whole of Parcel EY as shown on Plan 74099 in the Canada Lands Surveys Records at Ottawa, a copy of which has been deposited in the Land Titles Office for the South Alberta Land Registration District at Calgary under number 9210231, said parcel containing 300.06 hectares, more or less.

MARMOT BASIN SKI AREA

In Jasper National Park of Canada, the following described area:

The whole of Parcel FG as shown on Plan 69622 in the Canada Lands Surveys Records at Ottawa, a copy of which has been deposited in the Land Titles Office for the North Alberta Land Registration District at Edmonton under number 8520246, said parcel containing 678 hectares, more or less.

MOUNT AGASSIZ SKI AREA

In Riding Mountain National Park of Canada, the following described area:

All that parcel of land shown as Mount Agassiz Ski Resort on Plan 64217 in the Canada Lands Surveys Records at Ottawa, a copy of which is filed in the Land Titles Office in Neepawa as 6406, said parcel containing 141.64 hectares, more or less.

AMENDMENT NOT IN FORCE

– 2003, c. 22, para. 224(q):

Replacement of
"public service of
Canada"

224. The expression "public service of Canada" is replaced by the expression "federal public administration" wherever it occurs in the English version of the following provisions:

...

(q) section 19 and subsection 23(2) of the *Canada National Parks Act*;

...

E

*Canada-Newfoundland Atlantic
Accord Implementation Act*

Canada-Newfoundland Atlantic Accord Implementation Act

1987, c. 3

An Act to implement an agreement between the Government of Canada and the Government of Newfoundland and Labrador on offshore petroleum resource management and revenue sharing and to make related and consequential amendments

[Assented to 25th March, 1987]

Preamble

Whereas the Government of Canada and the Government of Newfoundland and Labrador have entered into the Atlantic Accord and have agreed that neither Government will introduce amendments to this Act or any regulation made thereunder without the consent of both Governments:

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Canada-Newfoundland Atlantic Accord Implementation Act*.

INTERPRETATION

Definitions

2. In this Act,

"Atlantic Accord"
«*Accord atlantique*»

"Atlantic Accord" means the Memorandum of Agreement between the Government of Canada and the Government of the Province on offshore petroleum resource management and revenue sharing dated February 11, 1985, and includes any amendments thereto;

"Board" «*Office*»

"Board" means the Canada-Newfoundland Offshore Petroleum Board established by the joint operation of section 9 of this Act and section 9 of the Provincial Act;

"Canada-Newfoundland benefits plan" «*plan de retombées économiques*»

"Canada-Newfoundland benefits plan" means a plan submitted pursuant to subsection 45(2);

"Chief Executive Officer" «*premier dirigeant*»

"Chief Executive Officer" means the Chief Executive Officer of the Board appointed pursuant to section 24;

"development plan"
«*plan de mise en valeur*»

"development plan" means a plan submitted pursuant to subsection 139(2) for the purpose of obtaining approval of the general approach of developing a pool or field as proposed in the plan;

"Federal Government"
«*gouvernement fédéral*»

"Federal Government" means the Governor in Council;

"Federal Minister"

"Federal Minister" means the Minister of Natural Resources;

«ministre fédéral»

"field" «champ»

"field"

(a) means a general surface area underlain or appearing to be underlain by one or more pools, and

(b) includes the subsurface regions vertically beneath the general surface area referred to in paragraph (a);

"former regulations"
«anciens règlements»

"former regulations" means the *Canada Oil and Gas Land Regulations* made pursuant to the *Public Lands Grants Act* and the *Territorial Lands Act* and includes orders made pursuant to those Regulations;

"fundamental decision"
«décision majeure»

"fundamental decision" means a decision made by the Board respecting the exercise of a power or the performance of a duty pursuant to a provision of this Act that expressly provides for the exercise of the power or the performance of the duty subject to sections 31 to 40;

"gas" «gaz»

"gas" means natural gas and includes all substances, other than oil, that are produced in association with natural gas;

"government" *Version anglaise seulement*

"government" means the Federal Government, the Provincial Government or both, as the context requires;

"Minister" *Version anglaise seulement*

"Minister" means the Federal Minister, the Provincial Minister or both, as the context requires;

"offshore area" «zone extracôtière» ou «zone»

"offshore area" means those submarine areas lying seaward of the low water mark of the Province and extending, at any location, as far as

(a) any prescribed line, or

(b) where no line is prescribed at that location, the outer edge of the continental margin or a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea of Canada is measured, whichever is the greater;

"oil" «pétrole»

"oil" means

(a) crude oil regardless of gravity produced at a well head in liquid form, and

(b) any other hydrocarbons, except coal and gas, and, without limiting the generality of the foregoing, hydrocarbons that may be extracted or recovered from deposits of oil sand, bitumen, bituminous sand, oil shale or from any other types of deposits on the seabed or subsoil thereof of the offshore area;

"petroleum"
«hydrocarbures»

"petroleum" means oil or gas;

"pool" «gisement»

"pool" means a natural underground reservoir containing or appearing to contain an accumulation of petroleum that is separated or appears to be separated from any other such accumulation;

"prescribed" *Version anglaise seulement*

"prescribed" means prescribed by regulations made by the Governor in Council;

"Province" «province»

"Province" means the province of Newfoundland;

"Provincial Act" «loi provinciale»

"Provincial Act" means *The Canada-Newfoundland Atlantic Accord Implementation*

(*Newfoundland*) Act, chapter 37 of the Statutes of Newfoundland, 1986;

"Provincial Government"
«*gouvernement provincial*»

"Provincial Government" means the lieutenant governor in council of the Province;

"Provincial Minister"
«*ministre provincial*»

"Provincial Minister" means the Minister of the Crown in right of the Province designated, pursuant to the Provincial Act, by the Provincial Government as the provincial minister for the purposes of the Provincial Act or any provision thereof.

1987, c. 3, s. 2; 1994, c. 41, s. 37.

Construction

3. For greater certainty, the provisions of this Act shall not be interpreted as providing a basis for any claim by or on behalf of any province in respect of any interest in or legislative jurisdiction over any offshore area or any living or non-living resources of any offshore area.

Precedence over other Acts of Parliament

4. In case of any inconsistency or conflict between

(a) this Act or any regulations made thereunder, and

(b) any other Act of Parliament that applies to the offshore area or any regulations made under that Act,

this Act and the regulations made thereunder take precedence.

1987, c. 3, s. 4; 1992, c. 35, s. 44.

PRESCRIBING LIMITS OF OFFSHORE AREA AND SETTLEMENT PROCEDURE FOR DISPUTES

Regulations

5. (1) Subject to section 7, the Governor in Council may make regulations prescribing lines enclosing areas adjacent to the Province for the purpose of paragraph (a) of the definition "offshore area" in section 2.

Issue of charts

(2) The Federal Minister may cause charts to be issued setting out the offshore area or any portion thereof as may be set out consistent with the nature and scale of the chart.

Evidence

(3) In any legal or other proceedings, a chart purporting to be issued by or under the authority of the Federal Minister is conclusive proof of the limits of the offshore area or portion thereof set out in the chart without proof of the signature or official character of the person purporting to have issued the chart.

Definitions

6. (1) In this section,

"agreement" «*accord*»

"agreement" means an agreement between the Government of Canada and the government of a province respecting resource management and revenue sharing in relation to activities respecting the exploration for or the production of petroleum carried out on any frontier lands;

"frontier lands" «*terres domaniales*»

"frontier lands" means lands that belong to Her Majesty in right of Canada, or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the natural resources and that are situated in

(a) Yukon, the Northwest Territories, Nunavut or Sable Island, or

(b) those submarine areas, not within a province, adjacent to the coast of Canada and extending throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea of Canada is measured, whichever is the greater.

Disputes between neighbouring provinces

(2) Where a dispute between the Province and any other province that is a party to an agreement arises in relation to a line or portion thereof prescribed or to be prescribed for the purpose of the definition "offshore area" in section 2 and the Government of Canada is unable, by means of negotiation, to bring about a resolution of the dispute within a reasonable time, the dispute shall, at such time as the Federal Minister deems appropriate, be referred to an impartial person, tribunal or body and settled by means of the procedure determined in accordance with subsection (3).

Procedures determined by Federal Minister

(3) For the purposes of this section, the person, tribunal or body to which a dispute is to be referred, the constitution and membership of any tribunal or body and the procedures for the settlement of a dispute shall be determined by the Federal Minister after consultation with the provinces concerned in the dispute.

Principles of international law to apply

(4) Where the procedure for the settlement of a dispute pursuant to this section involves arbitration, the arbitrator shall apply the principles of international law governing maritime boundary delimitation, with such modifications as the circumstances require.

Approval of Provincial Minister not required before regulation made

(5) Notwithstanding section 7, where a dispute is settled pursuant to this section and a regulation under subsection 5(1) prescribing the line in relation to which the dispute arose is made in accordance with the settlement, the regulation is not subject to the procedure set out in section 7 with respect to the portion of the line to which the dispute related.

1987, c. 3, s. 6; 1993, c. 28, s. 78; 1998, c. 15, s. 18; 2002, c. 7, s. 108(E).

CONDITION PRECEDENT FOR CERTAIN REGULATIONS

Approval of Provincial Minister prior to making certain regulations

7. Before a regulation is made pursuant to subsection 5(1) or 41(7), section 64, subsection 67(2), section 118, subsection 122(1), 125(1), 149(1), 152(5) or 160(4) or section 203, the Federal Minister shall consult the Provincial Minister with respect to the proposed regulation and no regulation shall be so made without the approval of the Provincial Minister.

APPLICATION

Application

8. (1) This Act applies within the offshore area.

Excluded legislation

(2) Subject to section 101, the *Canada Petroleum Resources Act* and the *Canada Oil and Gas Operations Act* and any regulations made under those Acts do not apply within the offshore area.

1987, c. 3, s. 8; 1992, c. 35, s. 45.

PART I JOINT MANAGEMENT

Establishment of Board

Jointly established Board
 9. (1) There is established by the joint operation of this Act and the Provincial Act a board to be known as the Canada-Newfoundland Offshore Petroleum Board.

Treated as Provincial entity
 (2) Subject to subsections (3) and (4), the Board shall for all purposes be treated as having been established by or under a law of the Province.

Powers of corporation
 (3) The Board has the legal powers and capacities of a corporation incorporated under the *Canada Business Corporations Act*, including those set out in section 21 of the *Interpretation Act*.

Dissolution of Board
 (4) The Board may be dissolved only by the joint operation of an Act of Parliament and an Act of the Legislature of the Province.

1987, c. 3, s. 9; 1992, c. 35, s. 46; 1994, c. 24, s. 34(F).

Board consisting of seven members
 10. (1) The Board shall consist of seven members.

Federal and Provincial appointees
 (2) Three members of the Board are to be appointed by the Federal Government, three by the Provincial Government and the Chairman of the Board is to be appointed by both the Federal Government and the Provincial Government.

Vice-chairmen
 (3) One or two members of the Board may be designated to be vice-chairmen of the Board if they are so designated by both the Federal Government and the Provincial Government.

Designation by both governments
 (4) The designation of a vice-chairman of the Board pursuant to subsection (3) is effective after both governments have each made the designation.

Alternate members
 (5) Each government may appoint one alternate member to act as a member of the Board in the absence of any of the members of the Board appointed by that government.

Joint appointees
 (6) Notwithstanding subsection (2) or (5), any member or alternate member of the Board may be appointed by both the Federal Government and the Provincial Government.

Qualifications
 11. (1) No member of the Board shall, during the term of office of that member on the Board, be employed in the Public Service of Canada or be a civil servant in the Province.

Definitions
 (2) In this section,

"civil servant"
 «fonctionnaire»
 "civil servant" has the same meaning as in the Provincial Act;

"Public Service of Canada"
 «administration fédérale»
 "Public Service of Canada" has the meaning given the expression "Public Service" in the *Public Service Staff Relations Act*, and includes any portion of the public service of Canada designated by order in council pursuant to this subsection and for the purposes of subsection (1) as part of the Public Service of Canada.

Deemed consultation between governments re Chairman
 12. (1) Consultation between the two governments with respect to the selection of the Chairman of the Board shall be deemed to commence

(a) six months prior to the expiration of the term of office of the incumbent Chairman, or

(b) where applicable, on the date of receipt by the Board of notice of the death, resignation or termination of appointment of the incumbent Chairman,

	whichever occurs earlier.
Where no agreement on Chairman	(2) Where the two governments fail to agree on the appointment of the Chairman of the Board within three months after the commencement of consultation between the governments, the Chairman shall be selected by a panel, consisting of three members and constituted in accordance with this section, unless, at any time prior to the selection of the Chairman by the panel, the two governments agree on the appointment.
Appointment of members of panel	(3) One member of the panel shall be appointed by each government within thirty days after the expiration of the three months referred to in subsection (2).
Chairman of panel	(4) The chairman of the panel shall be appointed <p>(a) jointly by the two members of the panel appointed pursuant to subsection (3) within thirty days after the later of the two appointments made pursuant to that subsection; or</p> <p>(b) where the two members of the panel fail to agree on the appointment of the chairman of the panel within the thirty day period referred to in paragraph (a), by the Chief Justice of Newfoundland within thirty days after the expiration of that period.</p>
Selection of Chairman of Board within sixty days	(5) The Chairman of the Board shall be selected by the panel within sixty days after the appointment of the chairman of the panel.
Decision of panel binding	(6) The decision of the panel selecting a Chairman of the Board is final and binding on both governments.
Salaries of joint appointees	13. (1) Subject to section 15, the salary and other terms and conditions of the appointment of the Chairman of the Board or any other member or alternate member appointed by both governments, including the effective date of the appointment, shall be fixed by an order of the Federal Government and an order of the Provincial Government after agreement has been reached by both governments on the salary and other terms and conditions.
Salaries of separate appointees	(2) The salary and other terms and conditions of the appointment of any member appointed by either the Federal Government or the Provincial Government shall be agreed on by both governments.
Absence or incapacity of Chairman	14. The Board shall designate a member to act as Chairman of the Board during any absence or incapacity of the Chairman or vacancy in the office of Chairman, and that person, while acting as Chairman, has and may exercise all of the powers and perform all of the duties and functions of the Chairman.
Term of first Chairman	15. (1) The first Chairman of the Board shall be appointed for a term of seven years.
Terms of first members	(2) The first three members of the Board to be appointed by each government shall be appointed for terms of four, five and six years, respectively.
Terms of office after initial term	(3) On the expiration of the initial terms of office referred to in subsections (1) and (2), the Chairman and members of the Board shall be appointed for terms of six years.
Good behaviour	(4) A member of the Board, including the Chairman, shall hold office during good behaviour, but may be removed for cause <p>(a) where the member is appointed by either government, by that government;</p>

or

(b) where the member is appointed by both governments, by both governments.

Re-appointment

(5) On the expiration of a term of office, the Chairman or a member of the Board is eligible for re-appointment for one or more further terms.

Conflict of interest guidelines

16. (1) Members of the Board, including the Chairman, and the Chief Executive Officer appointed pursuant to section 24 shall be subject to conflict of interest guidelines established jointly by the Federal Minister and Provincial Minister and are not subject to any conflict of interest guidelines established by the Federal Government.

Insurance

(2) The Board shall purchase and maintain insurance for the benefit of a person who is a present or former member, officer or employee of the Board, and the heirs or legal representatives of that person, against any liability incurred by that person in the capacity as such a member, officer or employee, except where the liability relates to a failure to act honestly and in good faith with regard to the best interests of the Board.

Expenditures for insurance

(3) For greater certainty, the expenditures of the Board associated with purchasing and maintaining the insurance referred to in subsection (2) shall form part of the budget or revised budget of the Board in respect of a fiscal year.

Power to indemnify

(4) Notwithstanding subsection (2), where the Board has established to the satisfaction of the Federal Minister the impossibility of purchasing and maintaining the insurance referred to in subsection (2), the Government of Canada shall, subject to subsection (6), indemnify a person who is a present or former member, officer or employee of the Board, or the heirs or legal representatives of that person, against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgment, reasonably incurred in respect of any civil, criminal or administrative action or proceeding to which that person is a party by reason of being or having been such a member, officer or employee, if that person

(a) acted honestly and in good faith with a view to the best interests of the Board; and

(b) in the case of any criminal or administrative action or proceeding that is enforced by a monetary penalty, believed, on reasonable grounds, that the conduct in issue was lawful.

Additional Coverage

(5) Where the Board has purchased and maintained insurance referred to in subsection (2), the Government of Canada shall indemnify a person referred to in that subsection, or the heirs or legal representatives of that person, for any liability incurred by that person in accordance with this section to the extent that the insurance purchased for the benefit of that person does not cover such liability.

Amount to settle an action

(6) The Government of Canada is not obliged to indemnify anyone pursuant to subsection (4) against an amount paid to settle an action unless the amount so paid was approved by the Government of Canada.

Both governments share costs of indemnification

(7) Where the Government of the Province has indemnified a person referred to in subsection (4), or the heirs or legal representatives of that person, pursuant to section 16 of the Provincial Act, the Government of Canada may pay to the Government of the Province one-half of the amount so indemnified.

Payable out of Consolidated Revenue Fund

(8) Any amount payable in respect of indemnification under this section may be paid out of the Consolidated Revenue Fund.

Functions of Board

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| Functions of Board | 17. (1) The Board shall perform such duties and functions as are conferred or imposed on the Board by or pursuant to the Atlantic Accord or this Act. |
| Proposed amendments | (2) The Board may make recommendations to both governments with respect to proposed amendments to this Act, the Provincial Act and any regulations made under those Acts. |
| Access to information by governments | 18. (1) The Federal Minister and the Provincial Minister are entitled to access to any information or documentation relating to petroleum resource activities in the offshore area that is provided for the purposes of this Act or any regulation made thereunder and such information or documentation shall, on the request of either Minister, be disclosed to that Minister without requiring the consent of the party who provided the information or documentation. |
| Applicable provision | (2) Section 119 applies, with such modifications as the circumstances require, in respect of any disclosure of information or documentation or the production or giving of evidence relating thereto by a Minister as if the references in that section to the administration or enforcement of a Part of this Act included references to the administration or enforcement of the Provincial Act or any Part thereof. |

Administration

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| Meetings of Board | 19. A meeting of the Board shall be held <ul style="list-style-type: none"> (a) once every month unless the members of the Board unanimously agree to defer such a meeting; and (b) at any other time <ul style="list-style-type: none"> (i) at the call of the Chairman of the Board, (ii) on the request of any two members of the Board, or (iii) on the request of the Federal Minister or the Provincial Minister to review any matter referred to it by that Minister. |
| Quorum | 20. (1) Four members constitute a quorum of the Board. |
| Majority vote | (2) Where, in the absence of unanimous agreement, a vote is required to be taken in respect of a decision of the Board, the decision shall be made on the basis of a majority vote of the members of the Board. |
| Location of offices and staff | 21. The principal office and staff of the Board shall be located in the Province. |
| Storage of information | 22. The Board shall establish, maintain and operate a facility in the Province for the storage and curatorship of all geophysical records and geological and hydrocarbon samples relating to the offshore area. |
| By-laws and guidelines | 23. Subject to this Act and the Atlantic Accord, the Board may <ul style="list-style-type: none"> (a) make by-laws respecting <ul style="list-style-type: none"> (i) the members, officers and employees of the Board, |

(ii) the attendance and participation, including voting rights, at meetings of the Board of alternate members of the Board appointed pursuant to subsection 10(5),

(iii) the manner of appointing the officers and employees of the Board on the basis of selection according to merit, including the holding of open competitions therefor,

(iv) the procedures to be followed in the performance of any of the duties and functions of the Board,

(v) the conduct of meetings of the Board,

(vi) the manner of dealing with matters and business before the Board, and

(vii) generally, the carrying on of the work of the Board and the management of the internal affairs thereof; and

(b) establish conflict of interest guidelines respecting persons employed by the Board pursuant to subsection 25(1).

Chief Executive Officer

24. (1) There shall be a Chief Executive Officer of the Board who

(a) where both the Federal Government and the Provincial Government appoint the Chairman as Chief Executive Officer, is the Chairman of the Board; or

(b) in any other case, is to be appointed by the Board by means of an open competition.

Approval required

(2) The appointment of a Chief Executive Officer pursuant to paragraph (1)(b) is subject to the approval of both governments.

Panel to choose Chief Executive Officer in the absence of agreement

(3) Where either government fails to make an appointment pursuant to paragraph (1)(a) or to approve the appointment of a Chief Executive Officer pursuant to paragraph (1)(b), the Chief Executive Officer shall be appointed by both the Federal Government and the Provincial Government after having been selected in accordance with section 12 and that section applies, with such modifications as the circumstances require, to the selection of the Chief Executive Officer.

Application of subsection 13(1)

(4) Subsection 13(1) applies, with such modifications as the circumstances require, to the appointment of the Chief Executive Officer pursuant to paragraph (1)(a) or subsection (3).

Absence or incapacity of Chief Executive Officer

(5) The Board shall designate a person to act as Chief Executive Officer during any absence or incapacity of that Officer or vacancy in the office of Chief Executive Officer and that person, while acting as Chief Executive Officer, has and may exercise all the powers and perform all of the duties and functions of that office.

Staff of the Board

25. (1) The Board may, on the recommendation of the Chief Executive Officer, employ such other officers and such employees as are necessary to properly perform the duties and functions of the Board under this Act and the Atlantic Accord.

Method of selection

(2) The appointment of every person employed pursuant to subsection (1) shall be based on selection according to merit.

Presumption

(3) Except as provided in subsection (4), every person employed pursuant to

	subsection (1) is deemed not to be employed in the public service of Canada or of the Province.
Mobility of staff	<p>(4) For the purpose of being eligible for appointment to a position in the Public Service by competition or other process of personnel selection pursuant to the <i>Public Service Employment Act</i>,</p> <p>(a) any person who, immediately prior to being employed by the Board, was employed in the Public Service shall be deemed to be a person employed in the Public Service in the Department of Energy, Mines and Resources in the location where that person is performing duties for the Board and in a position of an occupational nature and at a level equivalent to the position in which that person is employed by the Board; and</p> <p>(b) any person who, immediately prior to being employed by the Board, was not employed in the Public Service shall, two years after being employed by the Board, be deemed to be a person employed in the Public Service in the Department of Energy, Mines and Resources in the location where that person is performing duties for the Board and in a position of an occupational nature and at a level equivalent to the position in which that person is employed by the Board.</p>
Definition of "Public Service"	(5) In this section, "Public Service" has the same meaning as in the <i>Public Service Staff Relations Act</i> .
Auditor	26. The Board shall appoint an auditor, for such term as is set by the Board, for the purposes of auditing the financial statements of the Board.
Budget	27. (1) The Chief Executive Officer shall, in respect of each fiscal year, prepare a budget for the Board sufficient to permit the Board to properly exercise its powers and perform its duties and functions.
Submission to governments	(2) Following approval of the budget by the Board, the budget shall be submitted to the Federal Minister and the Provincial Minister, at such time as may be specified by each Minister, for their consideration and approval.
Revised budget	(3) Where it appears that the actual aggregate of the expenditures of the Board in respect of any fiscal year is likely to be substantially greater or less than that estimated in its budget in respect of that fiscal year, the Board shall submit to both Ministers for their consideration and approval a revised budget in respect of that fiscal year containing such particulars as may be requested by either Minister.
Payment of operating costs	(4) The Government of Canada shall pay one-half of the aggregate of the expenditures set out in the budget or revised budget, where applicable, submitted and approved pursuant to this section in respect of each fiscal year.
Appropriation	(5) Subject to any other Act of Parliament that appropriates moneys for the payment required by subsection (4), the sums required for such payment shall be paid out of the Consolidated Revenue Fund from time to time as required.
Access to books and accounts	28. Subject to subsection 18(2), both the Federal Minister and the Provincial Minister are entitled to have access to the books and accounts of the Board.
Annual report	29. (1) The Board shall, in respect of each fiscal year, prepare a report and submit it to the Federal Minister and the Provincial Minister not later than ninety days after the expiration of that fiscal year.
Contents of report	(2) Each annual report submitted pursuant to subsection (1) shall contain an audited financial statement and a description of the activities of the Board during the fiscal year covered by the report.

Tabling of report

(3) The Federal Minister shall cause the annual report referred to in this section

(a) to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the day the report is submitted to the Federal Minister; or

(b) where it is not possible to cause the report to be laid pursuant to paragraph (a) within thirty days after the day the report is submitted to the Federal Minister, to be published within that thirty day period.

Decisions in Relation to Offshore Management

Board's decisions final

30. Subject to this Act, the exercise of a power or the performance of a duty by the Board pursuant to this Act is final and not subject to the review or approval of either government or either Minister.

Notice of fundamental decisions

31. (1) Where a fundamental decision is made by the Board, the Board shall, forthwith after making the decision, give written notice of that decision to the Federal Minister and the Provincial Minister.

Advice by Ministers to Board

(2) Within thirty days after receipt of a notice of a fundamental decision pursuant to subsection (1), the Federal Minister and the Provincial Minister shall each advise, in writing, the Board and each other whether that Minister approves or disapproves that decision and where the Board does not receive the advice within those thirty days, the Board shall be deemed, for the purposes of section 32, to be advised, in writing, on the expiration of that period, of the approval of that decision by that Minister.

Conditions for implementation of fundamental decision

32. (1) A fundamental decision shall not be implemented unless the Board is advised, in writing, that

(a) both the Federal Minister and the Provincial Minister approve that decision; or

(b) in any other case, the Minister having authority in relation to that decision, as determined under section 34, approves that decision and, where the other Minister has exercised the power to suspend the approval of that decision pursuant to section 39,

(i) the period of suspension referred to in that section has expired, or

(ii) agreement is reached between both Ministers to approve that decision,

whichever occurs first.

Compliance with advice or governments

(2) Where the conditions referred to in subsection (1) have been satisfied in respect of a fundamental decision, that decision shall be implemented forthwith by the Board.

Definitions

33. In this section and sections 34 to 37,

"security of supply"
«sécurité des approvisionnements»

"security of supply", in respect of any period, means the anticipation of self-sufficiency during each of the five calendar years in that period, taking into account the aggregate of anticipated additions to producing capacity and anticipated adjustments to refining capacity;

"self-sufficiency"

"self-sufficiency" means a volume of suitable crude oil and equivalent substances

«autosuffisance» available from domestic Canadian hydrocarbon producing capacity that is adequate to supply the total feedstock requirements of Canadian refineries necessary to satisfy the total refined product requirements of Canada, excluding those feedstock requirements necessary to produce specialty refined products;

"suitable crude oil and equivalent substances" «*pétrole brut et substances assimilées acceptables*» "suitable crude oil and equivalent substances" means those substances that are appropriate for processing in Canadian refineries and that are potentially deliverable to Canadian refineries.

Role of Ministers prior to self-sufficiency and security of supply **34. (1)** Where, in respect of any period referred to in subsection 35(2) or (3), a determination is made that self-sufficiency and security of supply do not exist, the Federal Minister has authority in relation to any fundamental decision, other than a fundamental decision referred to in subsection (2), made during that period.

Development plan approval (2) Subject to subsection (3), the Provincial Minister has authority in relation to a fundamental decision referred to in paragraph 139(4)(a).

Federal Minister's power to override development plan approval (3) Where the approval or disapproval by the Provincial Minister of a fundamental decision referred to in paragraph 139(4)(a) would unreasonably delay the attainment of self-sufficiency or security of supply, the Federal Minister may substitute therefor the approval or disapproval, as the case may be, of the Federal Minister, and where the Federal Minister does so, that Minister shall, for the purposes of this Act, be considered to have authority in relation to that fundamental decision.

Role of Ministers after self-sufficiency and security of supply (4) Where, in respect of any period referred to in subsection 35(3), a determination is made that self-sufficiency and security of supply exist, the Provincial Minister has authority in relation to any fundamental decision made during that period.

Determination binding **35. (1)** For the purposes of this Act, where a determination referred to in subsection 34(1) or (4) is made by both governments or by a panel pursuant to section 36 or 37 or is deemed to have been made pursuant to subsection (2), it is final and binding for the duration of the period in respect of which it is made.

Initial period (2) For the purposes of section 34, the first period shall commence on January 1, 1986 and terminate on December 31, 1990 and, in respect of that period, a determination shall be deemed to have been made, for all purposes of this Act, that self-sufficiency and security of supply do not exist.

Subsequent periods (3) For the purposes of section 34, each period following the period referred to in subsection (2) shall commence on the expiration of the period immediately preceding that period and shall be for a duration of five successive calendar years.

Where no agreement on determinations re self-sufficiency **36. (1)** Consultation between the two governments with respect to the making of a determination referred to in subsection 34(1) or (4) shall be deemed to commence one year prior to the expiration of every period in respect of which such a determination is made.

Appointment of panel members (2) Where the two governments fail to agree on a determination referred to in subsection (1) within three months after the commencement of consultation between the governments, the determination shall be made by a panel consisting of three members, constituted in accordance with subsections 12(3) and (4), within sixty days after the appointment of the chairman of the panel unless, at any time prior thereto, the two governments agree on the determination.

Determination of unreasonable delay **37. (1)** Where, within sixty days after an approval or disapproval by the Provincial Minister pursuant to subsection 34(2), the two governments fail to agree whether the approval or disapproval would unreasonably delay the attainment of

self-sufficiency or security of supply, that determination shall be made by a panel consisting of three members constituted in accordance with subsection (2), within forty-five days after the appointment of the chairman of the panel.

Constitution of panel

(2) For the purposes of subsection (1), one member of the panel shall be appointed by each government within thirty days after the sixty days referred to in subsection (1) and the chairman of the panel shall be appointed in accordance with subsection 12(4) and for that purpose, subsection 12(4) applies, with such modifications as the circumstances require.

Determination not subject to review

38. Where a determination referred to in section 36 or 37 is made by a panel pursuant to that section, that determination is not subject to be reviewed or set aside by any government, court or other body.

Suspensive vetoes

39. (1) The Minister who does not have authority in relation to a fundamental decision, as determined under section 34, may, on giving written notice to the Board and the Minister who has such authority, suspend, during a period of ninety days, the approval of the fundamental decision by the Minister who has that authority.

Commencement of period

(2) The period of ninety days referred to in subsection (1) commences on the day the Board is advised, in accordance with subsection 31(2), of the approval of the fundamental decision by the Minister having authority in relation to the fundamental decision.

Supply shortfall

40. (1) Notwithstanding any other provision of this Act, in the event of a sudden domestic or import supply shortfall of suitable crude oil and equivalent substances, the Board shall, on request by the Federal Minister, cause production of suitable crude oil and equivalent substances to be increased, consistent with good oil field practice.

Canada's obligations under IEA

(2) Notwithstanding any other provision of this Act, where the Government of Canada has obligations with respect to the allocation of petroleum pursuant to the Agreement On An International Energy Program dated November 18, 1974, the Board shall, where directed to do so by the Federal Minister and during the period that those obligations continue, take such measures as are necessary to comply with those obligations and as are fair and equitable in relation to other hydrocarbon producing regions of Canada.

Regional Security of Supply

Definition of "shortfall of petroleum deliveries in the Province"

41. (1) For the purposes of this section "shortfall of petroleum deliveries in the Province" means deliveries of petroleum that are inadequate to supply, on commercial terms,

(a) the end use consumption and feedstock requirements of industrial facilities that are in place in the Province on the day of the coming into force of this Act;

(b) the feedstock requirements of the refining facilities at Come-by-Chance if those facilities were operating at capacity on the day of the coming into force of this Act or any refining facility constructed in the Province to replace those facilities; or

(c) the feedstock requirements of any refining facility located in the Province that was not in place on the coming into force of this Act, other than a facility referred to in paragraph (b), where the feedstock requirements required to satisfy the demand of industrial capacity, on the day of the coming into force of this Act, in the Provinces of Nova Scotia, New Brunswick, Prince Edward Island

and Newfoundland have been met.

Notice by Provincial
Minister to holders of
production licences

(2) Where there is a shortfall of petroleum deliveries in the Province, the Provincial Minister may, after consulting with the Federal Minister, give notice to holders of production licences in the offshore area that the facilities in paragraphs (1)(a), (b) and (c) that are specified in the notice have, during the term of the notice, the first option to acquire, on commercial terms, petroleum produced in the offshore area unless a sales contract with respect to that petroleum has been entered into prior to the giving of the notice.

Later contracts
subject to notice

(3) Any contract entered into after the giving of the notice referred to in subsection (2) shall be deemed to be varied or suspended to the extent necessary to give effect to that notice.

Term of notice

(4) The term of a notice given under subsection (2) is the period during which a shortfall of petroleum deliveries in the Province continues to exist.

Arbitration in case of
dispute whether
shortfall exists

(5) Where the Federal Minister or a holder of a production licence to whom a notice has been given under subsection (2) does not agree with the Provincial Minister that a shortfall of petroleum deliveries in the Province exists or continues to exist, the matter shall be referred to arbitration in the manner prescribed.

Notice ceases to have
effect

(6) Where it is determined pursuant to arbitration that a shortfall of petroleum deliveries in the Province does not exist or continue to exist, the notice given under subsection (2) shall be deemed to be revoked and ceases to have effect on the date on which the determination is made.

Regulations

(7) Subject to section 7, the Governor in Council may make regulations for carrying out the purposes and provisions of this section and, without limiting the generality of the foregoing, may make regulations

(a) defining the expression "commercial terms" or providing for arbitration to establish commercial terms in any particular case;

(b) governing, for the purposes of this section, arbitration and the making of arbitration orders and appeals from and enforcement of arbitration orders; and

(c) prescribing the manner of exercising a first option to acquire that is granted pursuant to a notice given under subsection (2).

Ministerial Directives

Ministerial directives

42. (1) The Federal Minister and the Provincial Minister may jointly issue to the Board written directives in relation to

(a) fundamental decisions;

(b) decisions made by the Board respecting the exercise of a power pursuant to paragraph 56(1)(b);

(c) public reviews conducted pursuant to section 44;

(d) Canada-Newfoundland benefits plans and any of the provisions thereof; and

(e) studies to be conducted by the Board and advice with respect to policy issues to be given by the Board to the Federal Minister and the Provincial Minister.

- Directives binding (2) The Board shall comply with a directive issued under subsection (1).
- Directives deemed not to be statutory instruments (3) Directives issued under subsection (1) shall be deemed not to be statutory instruments for the purposes of the *Statutory Instruments Act*.
- Notice in Canada Gazette (4) Where a directive is issued under subsection (1), a notice shall be published in the *Canada Gazette* that the directive has been issued and that the text thereof is available for inspection by any person on request made to the Board.

Plan for interests

- Plan for interests 43. (1) During the first month of each calendar year, the Board shall submit to the Federal Minister and the Provincial Minister a plan outlining the anticipated decisions of the Board during that calendar year respecting the making of calls for bids pursuant to Part II with respect to interests to be issued in relation to portions of the offshore area and the issuance and terms and conditions of such interests.
- Revised plan (2) Where the Minister having authority in relation to fundamental decisions, as determined under subsection 34(1) or (4), is of the opinion that a plan referred to in subsection (1) does not provide adequately for the attainment or maintenance of self-sufficiency and security of supply within the meaning of section 33, that Minister may reject the plan and where that Minister does so, shall inform the Board of the reasons for so doing.
- Idem (3) Where the Board is informed of a Minister's rejection of its plan and the reasons therefor, the Board shall, within sixty days after being so informed, prepare a revised plan outlining the anticipated decisions of the Board referred to in subsection (1), taking into account those reasons, and submit the revised plan to the Federal Minister and the Provincial Minister.
- Application of subsections (2) and (3) to revised plan (4) Subsections (2) and (3) apply, with such modifications as the circumstances require, with respect to a revised plan submitted pursuant to subsection (3).

Public Review

- Public review 44. (1) Subject to any directives issued under subsection 42(1), the Board shall conduct a public review in relation to any potential development of a pool or field unless the Board is of the opinion that the public hearing is not required on any ground the Board considers to be in the public interest.
- Powers of Board (2) Where a public review is conducted in relation to any potential development of a pool or field, the Board may
- (a) establish terms of reference and a timetable that will permit a comprehensive review of all aspects of the development, including those within the authority of Parliament or of the Legislature of the Province;
 - (b) appoint one or more commissioners and, where there is to be more than one commissioner, appoint as commissioners persons nominated by each of the governments in recognition of the authority of Ministers of the Crown in right of Canada or of the Province under any Act of Parliament or of the Legislature of the Province, other than this Act or the Provincial Act, in relation to the development;
 - (c) where the potential development has been proposed to the Board by any person, require that person to submit and make available for public distribution a preliminary development plan, an environmental impact statement, a socio-

economic impact statement, a preliminary Canada-Newfoundland benefits plan and any other plan specified by the Board; and

(d) cause the commissioners to hold public hearings in appropriate locations in the Province or elsewhere in Canada and report thereon to the Board, the Federal Minister and the Provincial Minister.

Powers of commissioners

(3) On the request of the Board, the Federal Government may, subject to such terms and conditions as it considers necessary, confer on the commissioners appointed pursuant to paragraph (2)(b) all or any of the powers conferred on persons appointed as commissioners under Part I of the *Inquiries Act*.

Time limit for Board's recommendations on a plan

(4) The commissioners shall make their recommendations respecting any preliminary plan or statement submitted pursuant to paragraph (2)(c) within two hundred and seventy days after their receipt of the plan or statement or such shorter period as may be set by the Board.

Canada-Newfoundland Benefits Plan

Definition of "Canada-Newfoundland benefits plan"

45. (1) In this section, "Canada-Newfoundland benefits plan" means a plan for the employment of Canadians and, in particular, members of the labour force of the Province and, subject to paragraph (3)(d), for providing manufacturers, consultants, contractors and service companies in the Province and other parts of Canada with a full and fair opportunity to participate on a competitive basis in the supply of goods and services used in any proposed work or activity referred to in the benefits plan.

Canadian and Newfoundland participation

(2) Before the Board may approve any development plan pursuant to subsection 139(4) or authorize any work or activity under paragraph 138(1)(b), a Canada-Newfoundland benefits plan shall be submitted to and approved by the Board, unless the Board directs that that requirement need not be complied with.

Particular provisions of plan

(3) A Canada-Newfoundland benefits plan shall contain provisions intended to ensure that

(a) before carrying out any work or activity in the offshore area, the corporation or other body submitting the plan shall establish in the Province an office where appropriate levels of decision-making are to take place;

(b) consistent with the *Canadian Charter of Rights and Freedoms*, individuals resident in the Province shall be given first consideration for training and employment in the work program for which the plan was submitted and any collective agreement entered into by the corporation or other body submitting the plan and an organization of employees respecting terms and conditions of employment in the offshore area shall contain provisions consistent with this paragraph;

(c) expenditures shall be made for research and development to be carried out in the Province and for education and training to be provided in the Province; and

(d) first consideration shall be given to services provided from within the Province and to goods manufactured in the Province, where those services and goods are competitive in terms of fair market price, quality and delivery.

Affirmative action programs

(4) The Board may require that any Canada-Newfoundland benefits plan include provisions to ensure that disadvantaged individuals or groups have access to training and employment opportunities and to enable such individuals or groups

or corporations owned or cooperatives operated by them to participate in the supply of goods and services used in any proposed work or activity referred to in the benefits plan.

Duties of Board in reviewing plans

(5) In reviewing any Canada-Newfoundland benefits plan, the Board shall consult with both Ministers on the extent to which the plan meets the requirements set out in subsections (1), (3) and (4).

Directives

(6) Subject to any directives issued under subsection 42(1), the Board may approve any Canada-Newfoundland benefits plan.

1987, c. 3, s. 45; 1992, c. 35, s. 47.

Coordination of Government Departments and Agencies

Coordination

46. (1) The Board shall, to ensure effective coordination and avoid duplication of work and activities, conclude with the appropriate departments and agencies of the Government of Canada and of the Government of the Province memoranda of understanding in relation to

(a) environmental regulation;

(b) emergency measures;

(c) coast guard and other marine regulation;

(d) employment and industrial benefits for Canadians in general and the people of the Province in particular and the review and evaluation procedures to be followed by both governments and the Board in relation to such benefits;

(e) occupational health and safety; and

(f) such other matters as are appropriate.

Idem

(2) The Federal Minister and the Provincial Minister shall be parties to any memorandum of understanding concluded in relation to a matter referred to in paragraph (1)(d).

PART II PETROLEUM RESOURCES

Interpretation

Definitions

47. In this Part,

"call for bids" «*appel d'offres*»

"call for bids" means a call for bids made in accordance with section 58;

"commercial discovery" «*découverte exploitable*»

"commercial discovery" means a discovery of petroleum that has been demonstrated to contain petroleum reserves that justify the investment of capital and effort to bring the discovery to production;

"commercial discovery area" «*périmètre de découverte exploitable*»

"commercial discovery area" means, in relation to a declaration of commercial discovery made pursuant to subsection 78(1) or (2), those portions of the offshore area described in the declaration;

"Crown reserve area"

«réserves de l'État»	"Crown reserve area" means portions of the offshore area in respect of which no interest is in force;
"former exploration agreement" «ancien accord d'exploration»	"former exploration agreement" means an exploration agreement under the <i>Canada Oil and Gas Land Regulations</i> ;
"former lease" «ancienne concession»	"former lease" means an oil and gas lease under the <i>Canada Oil and Gas Land Regulations</i> ;
"former permit" «ancien permis»	"former permit" means an exploratory permit under the <i>Canada Oil and Gas Land Regulations</i> ;
"former special renewal permit" «ancien permis spécial de renouvellement»	"former special renewal permit" means a special renewal permit under the <i>Canada Oil and Gas Land Regulations</i> ;
"holder" or "interest holder" <i>Version anglaise seulement</i>	"holder" or "interest holder" means, in respect of an interest or a share therein, the person indicated, in the register maintained pursuant to Division VIII, as the holder of the interest or the share;
"interest" «titre»	"interest" means any former exploration agreement, former lease, former permit, former special renewal permit, exploration licence, production licence or significant discovery licence;
"interest owner" <i>Version anglaise seulement</i>	"interest owner" means the interest holder who holds an interest or the group of interest holders who hold all of the shares in an interest;
"prescribed" <i>Version anglaise seulement</i>	"prescribed" means <ul style="list-style-type: none"> (a) in the case of a form or the information to be given on a form, prescribed by the Board, and (b) in any other case, prescribed by regulations made by the Governor in Council;
"share" «fraction»	"share" means, with respect to an interest, an undivided share in the interest or a share in the interest held in accordance with section 66;
"significant discovery" «découverte importante»	"significant discovery" means a discovery indicated by the first well on a geological feature that demonstrates by flow testing the existence of hydrocarbons in that feature and, having regard to geological and engineering factors, suggests the existence of an accumulation of hydrocarbons that has potential for sustained production;
"significant discovery area" «périmètre de découverte importante»	"significant discovery area" means, in relation to a declaration of significant discovery made pursuant to subsection 71(1) or (2), those portions of the offshore area described in the declaration.
Aboriginal rights	48. Nothing in this Part shall be construed so as to abrogate or derogate from any existing aboriginal or treaty rights of the aboriginal peoples of Canada under section 35 of the <i>Constitution Act, 1982</i> .

DIVISION I
GENERAL

Manner of Giving Notices

Giving notice

49. Where a notice is required to be given under this Part or the regulations, it shall be given in such form and manner as may be prescribed and shall contain such information as may be prescribed.

1987, c. 3, s. 49; 1992, c. 1, s. 144(F).

Her Majesty

Binding on Her Majesty

50. This Part is binding on Her Majesty in right of Canada or a province.

Designations and Appointments

Delegation

51. The Board may designate any person to exercise the powers and perform the duties and functions under this Part that are specified in the designation and on such designation that person may exercise those powers and shall perform those duties and functions subject to such terms and conditions, if any, as are specified in the designation.

Advisory bodies

52. (1) The Board may from time to time appoint and fix the terms of reference of such advisory bodies as the Board considers appropriate to advise the Board with respect to such matters relating to the administration or operation of this Part or Part III as are referred to them by the Board.

Remuneration

(2) The members of any advisory body appointed under subsection (1) may be paid for their services such remuneration and expenses as are fixed by the Board.

Appointment of representative

53. (1) Where an interest owner consists of two or more holders, such holders shall, in the manner prescribed, appoint one of their number to act as representative of the interest owner for the purposes of this Part, but such holders may, with the consent of the Board, appoint different representatives for different purposes.

Designation of representative

(2) In the event that an interest owner consisting of two or more holders fails to appoint a representative for any of the purposes of this Part, the Board may designate one of such holders as the representative of the interest owner for such purposes.

Acts or omissions of representative binding

(3) An interest owner is bound by the acts or omissions of the appointed or designated representative of such interest owner with respect to any matter to which the authority of the representative extends.

Duties of representative

(4) A representative of an interest owner appointed or designated under this section shall perform the duties in respect of the purposes for which that representative has been appointed or designated, and any operating agreement or other similar arrangement in force in respect of the relevant interest of that interest owner stands varied or amended to the extent necessary to give effect to this subsection.

General Rules Respecting Interests

No issuance of interests in respect of certain areas

54. (1) Subject to sections 31 to 40, the Board may, except in a case referred to in subsection (2), by order, for such purposes and under such conditions as may be set out in the order, prohibit the issuance of interests in respect of such portions of the offshore area as are specified in the order.

Exclusive decision of Federal Minister

(2) The Federal Minister may, by order, in the case of a disagreement with any government concerning the location of an international boundary and under such conditions as may be set out in the order, prohibit the issuance of interests in

respect of such portions of the offshore area as are specified in the order.

Surrender of interests

55. (1) An interest owner may, in the manner prescribed and subject to any requirements that may be prescribed respecting the minimum geographical area to which an interest may relate, surrender an interest in respect of all or any portion of the offshore area subject to the interest.

Debts due to Her Majesty not affected

(2) Any liability of an interest owner or interest holder to Her Majesty in right of Canada, either direct or by way of indemnity, that exists at the time of any surrender under subsection (1) is not affected by the surrender.

Orders to prohibit activities in certain circumstances

56. (1) Subject to subsection (2), the Board may, in the case of

(a) an environmental or social problem of a serious nature, or

(b) dangerous or extreme weather conditions affecting the health or safety of people or the safety of equipment,

by order, prohibit any interest owner specified in the order from commencing or continuing any work or activity on the portions of the offshore area or any part thereof that are subject to the interest of that interest owner.

Fundamental decisions

(2) An order of the Board made in a case referred to in paragraph (1)(a) is subject to sections 31 to 40.

Order of Federal Minister

(3) The Federal Minister may, in the case of a disagreement with any government concerning the location of an international boundary, by order, prohibit any interest owner specified in the order from commencing or continuing any work or activity on the portions of the offshore area or any part thereof that are subject to the interest of that interest owner.

Suspension of requirements in relation to interest

(4) Where, by reason of an order made under subsection (1) or (3), any requirement in relation to an interest cannot be complied with while the order is in force, compliance with the requirement is suspended until the order is revoked.

Extension of term of interest

(5) Notwithstanding any other provision in this Act, the term of an interest that is subject to an order under subsection (1) or (3) and the period provided for compliance with any requirement in relation to the interest are extended for a period equal to the period that the order is in force.

Relieving authority not affected

(6) Nothing in this section affects the authority of the Board to relieve a person from any requirement in relation to an interest or under this Part or the regulations.

DIVISION II GENERAL RULES RELATING TO ISSUANCE OF INTERESTS

Authority to Issue Interests

Authority to issue interests

57. (1) The Board may issue interests in respect of any portion of the offshore area in accordance with this Part and the regulations.

Fundamental decision

(2) The issuance of an interest by the Board is subject to sections 31 to 40 unless the issuance of the interest is mandatory under another provision of this Part.

Application of interest may be limited

(3) Subject to subsection (4), the application of any interest may be restricted to such geological formations and to such substances as may be specified in the interest.

Non-retrospective
effect of subsection
(2)

(4) Subsection (3) does not apply to any interest

(a) that is in force or in respect of which negotiations were completed before or on the coming into force of this section in relation to any portion of the offshore area; or

(b) that immediately succeeds an interest referred to in paragraph (a) in relation to that portion of the offshore area where that portion was not a Crown reserve area on the expiration of the interest referred to in paragraph (a).

Issuance of Interests in Relation to Crown Reserve Areas

Calls for bids

58. (1) Subject to section 61, the Board shall not issue an interest in relation to Crown reserve areas unless

(a) prior thereto, the Board has made a call for bids in relation to those Crown reserve areas by publishing a notice in accordance with this section and section 63; and

(b) the interest is issued to the person who submitted, in response to the call, the bid selected by the Board in accordance with subsection 59(1).

Fundamental decision

(2) The making of a call for bids by the Board is subject to sections 31 to 40.

Requests for postings
of portions of the
offshore area

(3) Any request received by the Board to make a call for bids in relation to particular portions of the offshore area shall be considered by the Board in selecting the portions of the offshore area to be specified in a call for bids.

Contents of call

(4) A call for bids shall specify

(a) the interest to be issued and the portions of the offshore area to which the interest is to apply;

(b) where applicable, the geological formations and substances to which the interest is to apply;

(c) the other terms and conditions subject to which the interest is to be issued;

(d) any terms and conditions that a bid must satisfy to be considered by the Board;

(e) the form and manner in which a bid is to be submitted;

(f) subject to subsection (5), the closing date for the submission of bids; and

(g) the sole criterion that the Board will apply in assessing bids submitted in response to the call.

Time of publishing call

(5) Unless otherwise prescribed, a call for bids shall be published at least one hundred and twenty days before the closing date for the submission of bids specified in the call.

1987, c. 3, s. 58; 1994, c. 26, s. 11(F).

Selection of bid

59. (1) A bid submitted in response to a call for bids shall not be selected unless

- (a) the bid satisfies the terms and conditions and is submitted in the form and manner specified in the call; and

(b) the selection is made on the basis of the criterion specified in the call.
- Publication of bid selected

(2) Where the Board selects a bid submitted in response to a call for bids, the Board shall publish a notice in accordance with section 63 setting out the terms and conditions of that bid.
- Interest to be consistent with bid.

(3) Where an interest is to be issued as a result of a call for bids, the terms and conditions of the interest shall be substantially consistent with any terms and conditions in respect of the interest specified in the call.
- Publication of terms and conditions of interest

(4) The Board shall publish a notice in accordance with section 63 setting out the terms and conditions of any interest issued as a result of a call for bids as soon as practicable after the issuance thereof.
- Issuance of interest not required

60. (1) The Board is not required to issue an interest as a result of a call for bids.
- New call required

(2) Subject to section 61, where the Board has not issued an interest with respect to a particular portion of the offshore area specified in a call for bids within six months after the closing date specified in the call for the submission of bids, the Board shall, before issuing an interest in relation to that portion of the offshore area, make a new call for bids.
- Exception to call for bids

61. (1) Subject to sections 31 to 40, the Board may issue an interest, in relation to any Crown reserve area, without making a call for bids where

 - (a) the portion of the offshore area to which the interest is to apply has, through error or inadvertence, become a Crown reserve area and the interest owner who last held an interest in relation to such portion of the offshore area has, within one year after the time they so became a Crown reserve area, requested the Board to issue an interest; or
 - (b) the Board is issuing the interest to an interest owner in exchange for the surrender by the interest owner, at the request of the Board, of any other interest or a share in any other interest, in relation to all or any portion of the offshore area subject to that other interest.
- Notice

(2) Where the Board proposes to issue an interest under subsection (1), the Board shall, not later than ninety days before issuing the interest, publish a notice in accordance with section 63 setting out the terms and conditions of the proposed interest.
- Interest not vitiated by failure to comply with call procedures

62. Where an interest has been issued, it is not vitiated by reason only of a failure to comply with any of the requirements set out in sections 58 to 61 respecting the form and content of, and time and manner of publishing, any notice required by those sections in relation to that interest.
- Manner of publication of notices

63. Any notice required to be published by the Board pursuant to subsection 58 (1), 59(2) or (4), 61(2) or 68(2) shall be published in the *Canada Gazette* and in any other publication the Board deems appropriate and, notwithstanding those subsections, may contain only a summary of the information required to be published and a statement that the full text thereof is available for inspection by any person on request made to the Board.
- Regulations

64. Subject to section 7, the Governor in Council may, for the purposes of section 58, make regulations of general application in relation to the offshore area

or any portion thereof, or in respect of any particular call for bids, prescribing the terms, conditions and criterion to be specified in a call for bids, the manner in which bids are to be submitted and requiring those terms and conditions and that criterion and manner to be specified in the call.

DIVISION III EXPLORATION

Exploration Licences

Rights under
exploration licences

65. An exploration licence confers, with respect to the portions of the offshore area to which the licence applies,

(a) the right to explore for, and the exclusive right to drill and test for, petroleum;

(b) the exclusive right to develop those portions of the offshore area in order to produce petroleum; and

(c) the exclusive right, subject to compliance with the other provisions of this Part to obtain a production licence.

Shares

66. A share in an exploration licence may, subject to any requirements that may be prescribed, be held with respect to a portion only of the offshore area subject to the exploration licence.

Terms and conditions

67. (1) An exploration licence shall contain such terms and conditions as may be prescribed and may contain any other terms and conditions, not inconsistent with this Part or the regulations, as may be agreed on by the Board, subject to sections 31 to 40, and the interest owner of the licence.

Regulations

(2) Subject to section 7, the Governor in Council may make regulations prescribing terms and conditions required to be included in exploration licences issued in relation to the offshore area or any portion thereof.

Amendment of
exploration licence

68. (1) The Board, subject to sections 31 to 40, and the interest owner of an exploration licence may, by agreement, amend any provision of the exploration licence in any manner not inconsistent with this Part or the regulations and, without limiting the generality of the foregoing, may, subject to subsection (2), amend the licence to include any other portion of the offshore area.

Exception

(2) The Board shall not amend an exploration licence to include any portion of the offshore area that, immediately prior to the inclusion, was a Crown reserve area unless the Board would be able to issue an interest to that interest owner in relation to that area under subsection 61(1) and a notice has been published in accordance with section 63 not later than ninety days before making the amendment, setting out the terms and conditions of the amendment.

Consolidation of
exploration licences

(3) Subject to sections 31 to 40, the Board may, on the application of the interest owners of two or more exploration licences, consolidate those exploration licences into a single exploration licence, subject to any terms and conditions that may be agreed on by the Board and those interest owners.

Effective date of
exploration licence

69. (1) The effective date of an exploration licence is the date specified in the licence as the effective date thereof.

Non-renewable term
of nine years

(2) Subject to subsection (3) and section 70, the term of an exploration licence shall not exceed nine years from the effective date of the licence and shall not be extended or renewed.

Exception	(3) Subject to section 70, the term of an exploration licence entered into or in respect of which negotiations have been completed before December 20, 1985 may be renegotiated once only for a further term not exceeding four years and thereafter the term thereof shall not be renegotiated, extended or renewed.
Crown reserve areas on expiration of licence	(4) On the expiration of an exploration licence, the portions of the offshore area to which the exploration licence related and that are not subject to a production licence or a significant discovery licence become Crown reserve areas.
Continuation of exploration licence where drilling commenced	70. (1) Where, prior to the expiration of the term of an exploration licence, the drilling of any well has been commenced on any portion of the offshore area to which the exploration licence applies, the exploration licence continues in force while the drilling of that well is being pursued diligently and for so long thereafter as may be necessary to determine the existence of a significant discovery based on the results of that well.
Deemed pursued diligently	(2) Where the drilling of a well referred to in subsection (1) is suspended by reason of dangerous or extreme weather conditions or mechanical or other technical problems encountered in the drilling of the well, the drilling of that well shall, for the purposes of subsection (1), be deemed to be being pursued diligently during the period of suspension.
Drilling of second well deemed commenced	(3) Where the drilling of a well referred to in subsection (1) cannot be completed for mechanical or other technical problems and if, within ninety days after the cessation of drilling operations with respect to that well, or such longer period as the Board determines, the drilling of another well is commenced on any portion of the offshore area that was subject to the exploration licence, the drilling of that other well shall, for the purposes of subsection (1), be deemed to have commenced prior to the expiration of the term of the exploration licence.

Significant Discoveries

Application for declaration of significant discovery	71. (1) Subject to section 124, where a significant discovery has been made on any portion of the offshore area that is subject to an interest or a share therein held in accordance with section 66, the Board shall, on the application of the interest holder of the interest or the share thereof made in the form and manner and containing such information as may be prescribed, make a written declaration of significant discovery in relation to those portions of the offshore area in respect of which there are reasonable grounds to believe that the significant discovery may extend.
Declaration on initiative of Board	(2) Where a significant discovery has been made on any portion of the offshore area, the Board may, by order subject to section 124, make a declaration of significant discovery in relation to those portions of the offshore area in respect of which there are reasonable grounds to believe the significant discovery may extend.
Description of offshore area subject to declaration	(3) A declaration made pursuant to subsection (1) or (2) shall describe the portions of the offshore area to which the declaration applies.
Amendment or revocation of declaration	(4) Subject to subsection (5), where a declaration of significant discovery is made pursuant to subsection (1) or (2) and, based on the results of further drilling, there are reasonable grounds to believe that a discovery is not a significant discovery or that the portions of the offshore area to which the significant discovery extends differ from the significant discovery area, the Board may, subject to section 124 and as appropriate in the circumstances, <p style="margin-left: 40px;">(a) amend the declaration of significant discovery by increasing or decreasing the significant discovery area; or</p>

(b) revoke the declaration.

Idem

(5) A declaration of significant discovery shall not be amended to decrease the significant discovery area or revoked earlier than

(a) in the case of a significant discovery area that is subject to a significant discovery licence issued pursuant to subsection 73(1), the date on which the exploration licence referred to in that subsection expires; and

(b) in the case of a significant discovery area that is subject to a significant discovery licence issued pursuant to subsection 73(2), three years after the effective date of the significant discovery licence.

Notice

(6) A copy of a declaration of significant discovery and of any amendment or revocation thereof made under this section in relation to any portion of the offshore area subject to an interest shall be sent by registered mail to the interest owner of that interest.

Significant Discovery Licences

Rights under significant discovery licence

72. A significant discovery licence confers, with respect to the portions of the offshore area to which the licence applies,

(a) the right to explore for, and the exclusive right to drill and test for, petroleum;

(b) the exclusive right to develop those portions of the offshore area in order to produce petroleum; and

(c) the exclusive right, subject to compliance with the other provisions of this Part, to obtain a production licence.

Significant discovery licence in relation to areas subject to exploration licences

73. (1) Where a declaration of significant discovery is in force and all or a portion of the significant discovery area is subject to an exploration licence or a share therein held in accordance with section 66, the Board shall, on application of the interest holder of the exploration licence or the share made in the form and manner and containing such information as may be prescribed, issue to the interest holder a significant discovery licence in respect of all portions of the significant discovery area that are subject to the exploration licence or the share.

Significant discovery licence in relation to Crown reserve areas

(2) Where a declaration of significant discovery is in force and the significant discovery area extends to a Crown reserve area the Board may, after making a call for bids in relation to that Crown reserve area or any portion thereof and selecting a bid submitted in response to the call in accordance with subsection 59(1), issue a significant discovery licence to the person who submitted that bid in relation to the Crown reserve area specified in the call.

Fundamental decision

(3) The making of a call for bids and the issuance of a significant discovery licence by the Board pursuant to subsection (2) is subject to sections 31 to 40.

Terms and conditions of significant discovery licence

(4) A significant discovery licence shall be in the form prescribed and may contain any other terms and conditions, not inconsistent with this Part or the regulations, as may be agreed on by the Board, subject to sections 31 to 40, and the interest owner of the significant discovery licence.

Reduction of area subject to significant discovery licence

74. (1) Where a significant discovery area in relation to a declaration of significant discovery is decreased pursuant to an amendment made under subsection 71(4), any significant discovery licence that was issued on the basis of

that declaration shall be amended by decreasing accordingly the portions of the offshore area subject to that licence.

Increase in area subject to significant discovery licence

(2) Where a significant discovery area in relation to a declaration of significant discovery is increased pursuant to an amendment made under subsection 71(4), any significant discovery licence that was issued on the basis of that declaration shall be amended to include all portions of the amended significant discovery area that are subject to any exploration licence held by the interest owner of that significant discovery licence at the time the significant discovery area is so increased.

Exploration licence ceases to have effect

75. (1) On the issuance of a significant discovery licence pursuant to subsection 73(1) with respect to a significant discovery area, any exploration licence ceases to have effect in relation to that significant discovery area.

Effective date of significant discovery licence

(2) The effective date of a significant discovery licence is the date of application for the licence.

Term of significant discovery licence

(3) Subject to subsection 85(1), a significant discovery licence continues in force, in relation to each portion of the offshore area to which the licence applies, during such period as the declaration of significant discovery on the basis of which the licence was issued remains in force in relation to that portion.

Crown reserve area on expiration of licence

(4) On the expiration of a significant discovery licence, any portion of the offshore area to which the significant discovery licence related and that is not subject to a production licence becomes a Crown reserve area.

Drilling Orders

Drilling orders

76. (1) Subject to subsections (2) to (4) and sections 31 to 40, the Board may, at any time after making a declaration of significant discovery, by order subject to section 124, require the interest owner of any interest in relation to any portion of the significant discovery area to drill a well on any portion of the significant discovery area that is subject to that interest, in accordance with such directions as may be set out in the order, and to commence the drilling within one year after the making of the order or within such longer period as the Board specifies in the order.

Exception

(2) No order may be made under subsection (1) with respect to any interest owner who has completed a well on the relevant portion of the offshore area within six months prior to the making of the order.

Condition

(3) No order may be made under subsection (1) within the three years immediately following the well termination date of the well indicating the relevant significant discovery.

Idem

(4) No order made under subsection (1) may require an interest owner to drill more than one well at a time on the relevant portion of the offshore area.

Definition of "well termination date"

(5) For the purposes of subsection (3), "well termination date" means the date on which a well has been abandoned, completed or suspended in accordance with any applicable drilling regulations.

Information may be disclosed

77. (1) The Board may, notwithstanding section 119, provide information or documentation relating to a significant discovery to any interest owner who requires such information or documentation to assist the interest owner in complying with an order made under subsection 76(1).

Idem

(2) An interest owner shall not disclose any information or documentation provided to that interest owner under subsection (1) except to the extent necessary

to enable the interest owner to comply with an order made under subsection 76 (1).

DIVISION IV PRODUCTION

Commercial Discoveries

Application for
declaration of
commercial discovery

78. (1) Subject to section 124, where a commercial discovery has been made on any portion of the offshore area that is subject to an interest or a share therein held in accordance with section 66, the Board shall, on the application of the interest holder of the interest or the share made in the form and manner and containing such information as may be prescribed, make a written declaration of commercial discovery in relation to those portions of the offshore area in respect of which there are reasonable grounds to believe that the commercial discovery may extend.

Declaration on
initiative of Board

(2) Subject to section 124, where a commercial discovery has been made on any portion of the offshore area, the Board may, by order, make a declaration of commercial discovery in relation to those portions of the offshore area in respect of which there are reasonable grounds to believe that the commercial discovery may extend.

Application of certain
provisions

(3) Subsections 71(3), (4) and (6) apply, with such modifications as the circumstances require, with respect to a declaration made pursuant to subsection (1) or (2).

1987, c. 3, s. 78; 1988, c. 28, s. 256.

Development Orders

Notice of order to
reduce term of interest

79. (1) Subject to sections 31 to 40, the Board may, at any time after making a declaration of commercial discovery, give notice to the interest owner of any interest in relation to any portion of the commercial discovery area where commercial production of petroleum has not commenced before that time stating that, after such period of not less than six months as may be specified in the notice, an order may be made reducing the term of that interest.

Opportunity for
submissions

(2) During the period specified in a notice sent to an interest owner under subsection (1), the Board shall provide a reasonable opportunity for the interest owner to make such submissions as the interest owner considers relevant to determining whether the Board should make an order reducing the term of the relevant interest.

Order reducing term
of interest

(3) Notwithstanding any other provision of this Act but subject to sections 31 to 40, where the Board is of the opinion that it is in the public interest, the Board may, at any time not later than six months after the expiration of the period specified in a notice in respect of an interest sent under subsection (1), by order subject to section 124, reduce the term of the interest to three years after the date the order is made or such longer period as may be specified in the order.

All interests cease

(4) Notwithstanding any other provision of this Act but subject to subsections (5) and (6), where an order is made under subsection (3), any interest in respect of a portion of the offshore area within the area to which the interest that is the subject of the order applied on the date the order was made ceases to have effect at the end of the period specified in the order.

Order ceases to have
effect where

(5) Where commercial production of petroleum on any portion of the offshore

production commences area referred to in subsection (4) commences before the expiration of the period specified in an order made under subsection (3) or the period extended pursuant to subsection (6), the order ceases to have effect and is deemed to have been vacated.

Extension of period (6) Subject to sections 31 to 40, the Board may extend the period specified in an order made under subsection (3) or may revoke the order.

Issuance of Production Licences

Rights under production licence **80.** (1) A production licence confers, with respect to the portions of the offshore area to which the licence applies,

(a) the right to explore for, and the exclusive right to drill and test for, petroleum;

(b) the exclusive right to develop those portions of the offshore area in order to produce petroleum;

(c) the exclusive right to produce petroleum from those portions of the offshore area; and

(d) title to the petroleum so produced.

Exception (2) Notwithstanding subsection (1), the Board may, subject to such terms and conditions as the Board deems appropriate, authorize any interest holder of an interest or a share therein to produce petroleum on the portions of the offshore area subject to the interest or share for use in the exploration or drilling for or development of petroleum on any portion of the offshore area.

Issuance of production licence **81.** (1) Subject to section 87, the Board, on application made in the form and manner and containing such information as may be prescribed,

(a) shall issue a production licence to one interest owner, in respect of any one commercial discovery area or portion thereof that is subject to an exploration licence or a significant discovery licence held by that interest owner; and

(b) may, subject to such terms and conditions as may be agreed on by the Board and the relevant interest owners and to sections 31 to 40, issue a production licence to

(i) one interest owner, in respect of two or more commercial discovery areas or portions thereof that are subject to an exploration licence or a significant discovery licence held by that interest owner, or

(ii) two or more interest owners, in respect of one or more commercial discovery areas or portions thereof that are subject to an exploration licence or a significant discovery licence held by any of those interest owners.

Production licence in relation to Crown reserve areas (2) Where a declaration of commercial discovery is in force and the commercial discovery area extends to a Crown reserve area, the Board may, after making a call for bids in relation to that Crown reserve area or any portion thereof and selecting a bid submitted in response to the call in accordance with subsection 59 (1), issue a production licence to the person who submitted that bid in relation to the Crown reserve area specified in the call.

Fundamental decision (3) The making of a call for bids and the issuance of a production licence by the Board pursuant to subsection (2) is subject to sections 31 to 40.

Terms and conditions of production licence

(4) A production licence shall be in the form prescribed and may contain any terms and conditions, not inconsistent with this Part or the regulations, as may be agreed on by the Board, subject to sections 31 to 40, and the interest owner of the production licence.

1987, c. 3, s. 81; 1993, c. 47, s. 6.

Consolidation of production licences

82. Subject to sections 31 to 40, the Board may, on the application of the interest owners of two or more production licences, consolidate those production licences into a single production licence, on such terms and conditions as may be agreed on by the Board and those interest owners.

Reduction of area subject to production licence

83. (1) Where a commercial discovery area in relation to a declaration of commercial discovery is decreased pursuant to an amendment made under subsections 71(4) and 78(3), any production licence that was issued on the basis of that declaration shall be amended by decreasing accordingly the portions of the offshore area subject to that licence.

Increase in areas subject to production licence

(2) Where a commercial discovery area in relation to a declaration of commercial discovery is increased pursuant to an amendment made under subsections 71(4) and 78(3), any production licence that was issued on the basis of that declaration shall be amended to include all portions of the amended commercial discovery area that are subject to an exploration licence or a significant discovery licence held by the interest owner of that production licence at the time the commercial discovery area is so increased.

Term of production licence

84. (1) Subject to subsections (2) to (4), a production licence is effective from the date it is issued and shall be issued for a term of twenty-five years.

Idem

(2) Where a declaration of commercial discovery on the basis of which a production licence was issued is, pursuant to subsections 71(4) and 78(3), revoked or amended to exclude all portions of the commercial discovery area in relation to which the production licence was issued, the production licence ceases to be in force.

Automatic extension of term

(3) Where, on the expiration of the term of a production licence, petroleum is being produced commercially, the term is extended for such period thereafter during which commercial production of petroleum continues.

Discretionary extension of term

(4) Subject to sections 31 to 40, the Board may, by order, on such terms and conditions as may be specified in the order, extend the term of a production licence where

(a) commercial production of petroleum from the portions of the offshore area subject to the licence ceases before or on the expiration of the twenty-five year term of the production licence and the Board has reasonable grounds to believe that commercial production from such portions of the offshore area will recommence; or

(b) the Board has reasonable grounds to believe that commercial production of petroleum from such portions of the offshore area will, at any time before or after the expiration of the term of the licence, cease during any period and thereafter recommence.

Lapsing of other interests

85. (1) On the issuance of a production licence, any interest in relation to the portions of the offshore area in respect of which the production licence is issued held immediately prior to the issuance of the production licence ceases to have effect in relation to such portions of the offshore area, but otherwise continues to

have effect according to its terms and the provisions of this Act.

Areas become Crown
reserve areas on
expiration of term

(2) On the expiration of a production licence, the portions of the offshore area in relation to which the production licence was issued become Crown reserve areas.

Subsurface Storage Licences

Licence for
subsurface storage

86. (1) The Board may, subject to any terms and conditions the Board considers appropriate, issue a licence for the purpose of subsurface storage of petroleum or any other substance approved by the Board in portions of the offshore area at depths greater than twenty metres.

Prohibition

(2) No portion of the offshore area shall be used for a purpose referred to in subsection (1) without a licence referred to therein.

Qualification for Production Licence

Qualification for
production licence

87. No production licence or share in a production licence may be held by any person other than a corporation incorporated in Canada.

1987, c. 3, s. 87; 1993, c. 47, s. 7.

DIVISION V

[Repealed, 1993, c. 47, s. 8]

DIVISION VI ROYALTIES

Interpretation

Definition of
"Petroleum and
Natural Gas Act"

97. (1) In this Division, the "Petroleum and Natural Gas Act" means Part II of *The Petroleum and Natural Gas Act*, Chapter 294 of the Revised Statutes of Newfoundland, 1970, as amended from time to time.

Royalties

(2) There is hereby reserved to Her Majesty in right of Canada and each holder of a share in a production licence is liable for and shall pay to Her Majesty in right of Canada, in accordance with subsection (4), the royalties, interest and penalties that would be payable in respect of petroleum under the Petroleum and Natural Gas Act if the petroleum were produced from areas within the Province.

Exception

(3) Notwithstanding subsection (2), where petroleum is subject to a royalty under the Petroleum and Natural Gas Act, that petroleum is not subject to a royalty under subsection (2).

Application of
Newfoundland
legislation

(4) Subject to this Act and the regulations, the Petroleum and Natural Gas Act and any regulations made thereunder apply, with such modifications as the circumstances require, for the purposes of this section and, without limiting the generality of the foregoing,

(a) a reference in that Act to Her Majesty in right of the Province shall be deemed to be a reference to Her Majesty in right of Canada; and

(b) a reference in that Act to the Province of Newfoundland or the province shall be deemed to be a reference to the offshore area.

No Crown share

(5) No provision of the Petroleum and Natural Gas Act or any regulation made thereunder shall apply so as to reserve to Her Majesty a Crown share in any interest issued in respect of any portion of the offshore area.

1987, c. 3, s. 97; 1988, c. 28, s. 257(F).

Power to collect

98. (1) Subject to subsection (6), where an agreement is entered into pursuant to subsection (3), royalties, interest and penalties payable under section 97 may be collected and administered and refunds in respect thereof may be granted on behalf of the Government of Canada in accordance with the terms and conditions of the agreement, as amended from time to time pursuant to subsection (4).

Negotiation of agreement

(2) The Federal Minister shall, on the request of the Government of the Province or the Board, negotiate an agreement with the Provincial Minister and the Board with respect to the collection and administration of the royalties, interest and penalties payable under section 97.

Agreement

(3) On completion of the negotiation of an agreement pursuant to subsection (2), the Federal Minister, with the approval of the Governor in Council, shall, on behalf of the Government of Canada, enter into an agreement with the Government of the Province and the Board pursuant to which the Board shall, on behalf of the Government of Canada, collect and administer the royalties, interest and penalties payable under section 97 and, without limiting the generality of the foregoing, grant refunds or make other payments in respect of those royalties, interest and penalties in accordance with the terms and conditions set out in the agreement.

Amendments to the agreement

(4) The Federal Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, enter into an agreement amending the terms and conditions of any agreement entered into pursuant to subsection (3).

Proof of provision of agreement

(5) A document purporting to be an agreement entered into pursuant to subsection (3) or (4) that is

(a) published in the *Canada Gazette*, or

(b) certified as such by, or on behalf of, the Minister of National Revenue, the Receiver General, the Deputy Receiver General or the Federal Minister

is, in the absence of evidence to the contrary, evidence of the contents thereof and is admissible in evidence without proof of the signature or official character of the person purporting to have certified it.

No further liability

(6) An administration agreement may provide that, where any payment is received by the Government of the Province on account of any royalties, interest, penalties or other sum payable by a person under

(a) section 97, or

(b) both

(i) section 97, and

(ii) the Petroleum and Natural Gas Act,

the payment so received may be applied by the Government of the Province towards the royalties, interest, penalties or other sums payable by the person

under any such provision or Act in such manner as is specified in the agreement, notwithstanding that the person directed that the payment be applied in any other manner or made no direction as to its application.

Idem

(7) Any payment or part thereof applied by the Government of the Province in accordance with an administration agreement towards the royalties, interest, penalties or other sums payable by a person under section 97,

(a) relieves that person of liability to pay such royalties, interest, penalties or other sums to the extent of the payment or part thereof so applied; and

(b) shall be deemed to have been applied in accordance with a direction made by that person.

1987, c. 3, s. 98; 1988, c. 28, s. 258(F).

Remittance to
Receiver General

99. (1) All royalties, interests and penalties payable under section 97, including the proceeds of any royalty payable in kind, shall be made payable and remitted to the Receiver General.

Consolidated
Revenue Fund

(2) On the collection or receipt of any royalties, interest and penalties by the Board pursuant to this section, the royalties shall be deposited as soon as practicable to the credit of the Receiver General and paid into the Consolidated Revenue Fund in the manner prescribed by the Treasury Board under the *Financial Administration Act*.

Liability and Collection of Royalties

Debts due to Her
Majesty

100. All royalties, interest and penalties payable under section 97 are debts due to Her Majesty in right of Canada and are recoverable as such from the person required to pay the royalties in accordance with this Division.

DIVISION VII ENVIRONMENTAL STUDIES REVOLVING FUNDS

Fund continued

101. (1) Part VII of the *Canada Petroleum Resources Act* applies, with such modifications as the circumstances require, within the offshore area.

Rates subject to
Board's approval

(2) The rates fixed by the Federal Minister pursuant to section 80 of the *Canada Petroleum Resources Act*, as they apply to the offshore area, are subject to approval by the Board.

Appointment by Board
of one of members of
Environmental Studies
Management Board

(3) Notwithstanding subsection 78(2) of the *Canada Petroleum Resources Act*, one of the members of the Environmental Studies Management Board established by subsection 78(1) of that Act is to be appointed by the Board on the recommendation of the Provincial Minister.

Reports and
recommendations to
Board

(4) The Environmental Studies Management Board referred to in subsection (3) shall submit to the Board a copy of every annual report and recommendation submitted to the Federal Minister pursuant to paragraph 79(1)(d) or (e) of the *Canada Petroleum Resources Act* at the same time the report or recommendation is submitted to the Federal Minister.

DIVISION VIII TRANSFERS, ASSIGNMENTS AND REGISTRATION

Interpretation

Definitions

102. (1) In this Division,

"assignment of security interest"
«*cession de sûreté*»

"assignment of security interest" means a notice of the assignment of a security interest or any part thereof in respect of which a security notice has been registered under this Division;

"court" «*tribunal*»

"court" means the Trial Division of the Supreme Court of Newfoundland and includes a judge thereof;

"Deputy Registrar"
«*directeur adjoint*»

"Deputy Registrar" means such person as the Board may designate as the Deputy Registrar for the purposes of this Division;

"discharge"
«*mainlevée*»

"discharge" means a notice of the discharge of a security notice or postponement and includes a partial discharge;

"instrument" «*acte*»

"instrument" means a discharge, postponement, security notice, transfer or an assignment of a security interest;

"operator's lien"
«*privilège de l'exploitant*»

"operator's lien" means any charge on or right in relation to an interest or a share in an interest

(a) that arises under a contract

(i) to which the interest owner or holder of the interest or share is a party,

(ii) that provides for the operator appointed thereunder to carry out any work or activity related to the exploration for or the development or production of petroleum in the portions of the offshore area to which the interest or share applies, and

(iii) that requires the interest owner or holder to make payments to the operator to cover all or part of the advances made by the operator in respect of the costs and expenses of such work or activity, and

(b) that secures the payments referred to in subparagraph (a)(iii);

"postponement"
«*cession de priorité*»

"postponement" means a document evidencing the postponement of a security notice or operator's lien;

"Registrar"
«*directeur*»

"Registrar" means such person as the Board may designate as the Registrar for the purposes of this Division;

"secured party"
«*partie garantie*»

"secured party" means the person claiming a security interest under a security notice;

"security interest"
«*sûreté*»

"security interest" means any charge on or right in relation to an interest or a share in an interest that, pursuant to a written agreement, secures any payment or performance of an obligation, including

(a) the payment of an indebtedness arising from an existing or future loan or advance of money,

(b) a bond, debenture or other security of a corporation, or

(c) the performance of the obligations of a guarantor under a guarantee given in respect of all or any part of an indebtedness referred to in paragraph

(a) or all or any part of a bond, debenture or other security of a corporation,

and includes a security given under section 426 of the *Bank Act*, but does not include an operator's lien;

"security notice"
Version anglaise
seulement

"security notice" means a notice of a security interest;

"transfer" «*transfert*»

"transfer" means a transfer of an interest or a share in an interest.

Assignees deemed
secured parties

(2) Where an assignment of security interest is registered under this Division, a reference in this Division to a secured party shall, in respect of the security notice to which the assignment of security interest relates, be read as a reference to the assignee named in the assignment of security interest.

1987, c. 3, s. 102; 1988, c. 28, s. 259; 1990, c. 41, s. 12; 1991, c. 46, s. 585.

Transfer and Assignment

Notice of disposition
of any interest

103. Where an interest holder of an interest or any share therein enters into an agreement or arrangement that is or may result in a transfer, assignment or other disposition of the interest or any share therein, the interest holder shall give notice of such agreement or arrangement to the Board, together with a summary of its terms and conditions or, on the request of the Board, a copy of the agreement or arrangement.

104. and 104.1 [Repealed, 1993, c. 47, s. 9]

Registration

Establishment of
register

105. (1) A public register of all interests and instruments registered under this Division shall be established and maintained in accordance with this Division and the regulations.

Duties of Registrar
and Deputy Registrar

(2) The Registrar and Deputy Registrar shall exercise such powers and perform such duties and functions in respect of the register and the system of registration established under this Division as may be prescribed.

Prohibition against
registration of
documents except
instruments

106. (1) No document other than an interest or instrument may be registered under this Division.

Requirements of
registration

(2) No instrument may be registered under this Division unless it has been submitted for registration in the form prescribed for that instrument, in such manner and containing such information as may be prescribed, and meets any other requirement for the registration thereof prescribed by this Division and the regulations.

107. [Repealed, 1993, c. 47, s. 10]

Requirements of
registering security
notice

108. (1) No security notice may be registered under this Division unless the security notice specifies

(a) the nature of the security interest claimed;

(b) the person from whom the security interest was acquired;

- (c) the documents giving rise to the security interest; and
- (d) such other particulars in respect thereof as may be prescribed.
- Notice of official address (2) No instrument may be registered under this Division unless a notice of official address for service in respect of that instrument is filed with the Registrar in prescribed form.
- Revision of notice of official address (3) The official address for service in respect of an instrument may be changed by filing with the Registrar another notice of official address for service, in prescribed form.
- Security notice carries forward to new interests **109.** Where a significant discovery licence or production licence is issued at any time in respect of any portion of the offshore area that was not a Crown reserve area immediately before that time, the registration under this Division of a security notice in respect of the interest in force immediately preceding the issuance of that licence and relating to that portion of the offshore area applies in respect of the licence as though the security notice referred to that licence and as though that licence had been issued prior to the registration of the security notice.
- Registration **110.** (1) Every document submitted for registration under this Division shall be examined by the Registrar and where the Registrar determines that the document is an instrument that meets all the requirements for the registration thereof prescribed by this Division and the regulations, the Registrar shall register the instrument in accordance with this Division and the regulations.
- Refusal to register (2) Where the Registrar refuses to register any document under this Division, the Registrar shall return the document to the person submitting the document for registration and provide that person with the reasons for the refusal.
- Memorandum of registration (3) An instrument is registered under this Division by the endorsement of a memorandum of registration on the instrument specifying the registration number of the instrument and the time and date of registration.
- Chronological order of receipt for registration (4) Instruments accepted for registration under this Division shall be registered in the chronological order in which such instruments are received by the Registrar.
- Deemed notice **111.** The registration of an instrument under this Division shall be deemed to constitute actual notice of the instrument to all persons as of the time of registration of the instrument and, in the case of a security notice, shall be deemed to constitute actual notice to all persons who may serve a demand for information under section 113 in respect of the security notice of the contents of the documents specified in the security notice.
- Priority of rights **112.** (1) Subject to subsections (2) and (5), any particular right, in relation to an interest or a share therein, in respect of which an instrument has been registered under this Division at any time has priority over and is valid against any other right, in relation to that interest or share,
- (a) in respect of which an instrument may be registered under this Division,
- (i) where the instrument was not so registered, or
- (ii) where the instrument was so registered after that time,
- whether that other right was acquired before or after that particular right; or
- (b) in respect of which an instrument may not be registered under this Division,

acquired after that time.

Transitional

(2) Where any right in respect of which an instrument may be registered under this Division was acquired before the coming into force of this section and an instrument in respect of such right is registered under this Division not later than one hundred and eighty days after the coming into force of this section, the priority and validity of such right shall be determined as though the instrument was registered under this Division at the time the right was acquired and as though this section was in force at that time.

Idem

(3) Notwithstanding subsection (2), no right in respect of which that subsection applies shall have priority over and be valid against any other right in respect of which that subsection applies but in respect of which an instrument is not registered within the period referred to in that subsection, where the person claiming the right in respect of which an instrument is registered within that period acquired such right with actual knowledge of the other right.

Idem

(4) No instrument in respect of any right to which subsection (2) applies shall be registered unless it is accompanied by the statutory declaration, in prescribed form, of the person claiming such right, attesting to the time at which such right was acquired.

Operator's lien

(5) An operator's lien, in relation to an interest or share therein, shall, without registration of any document evidencing the operator's lien, have priority over and be valid against any other right, in relation to that interest or share, in respect of which an instrument may be registered under this Division, whether an instrument in respect of that other right was registered before or after the acquisition of the operator's lien or the operator's lien was acquired before or after that other right, unless the operator's lien is postponed with respect to such other rights by the registration under this Division of a postponement in respect of the operator's lien and a discharge in respect of that postponement has not been registered under this Division.

1987, c. 3, s. 112; 1994, c. 26, s. 12(F).

Demand for information

113. (1) A person may, in accordance with this section, serve a demand for information in respect of a security notice that has been registered under this Division in relation to an interest or a share therein where that person

(a) is the holder of that interest or share;

(b) is specified in the security notice as the person from whom the security interest was acquired;

(c) is the secured party under another security notice registered under this Division in relation to that interest or share;

(d) is a member of a class of persons prescribed by the regulations for the purposes of this subsection; or

(e) obtains leave to do so from the court.

Contents of demand notice

(2) A demand for information, in respect of a security notice, may be served pursuant to subsection (1) by serving on the secured party under the security notice a demand notice, in prescribed form, requiring the secured party

(a) to inform the person serving the demand notice, within fifteen days after service of the notice, of the place where the documents specified in the security

notice or copies thereof are located and available for examination, and of the normal business hours during which the examination may be made; and

(b) to make such documents or copies thereof available for examination at that place during normal business hours by or on behalf of the person serving the notice, within a reasonable period after the demand notice is served.

Service

(3) A demand for information is served for the purposes of this section if it is sent by registered mail or delivered to the official address for service in respect of the security notice according to the records of the Registrar.

Compliance with demand

(4) A demand for information served pursuant to subsection (1) may be complied with by mailing or delivering to the person serving the demand notice a true copy of the documents referred to in the demand notice.

Court order where failure to comply

(5) Where a secured party fails without reasonable excuse to comply with a demand for information in respect of a security notice in relation to an interest or share therein served on the secured party in accordance with this section, the court may, on application by the person who served the demand notice, make an order requiring the secured party to comply with the demand for information within the time and in the manner specified in the order.

Where failure to comply with court order

(6) Where a secured party fails to comply with an order of a court made under subsection (5), the court may, on the application of the person who applied for the order,

(a) make any other order the court considers necessary to ensure compliance with the order made under subsection (5); or

(b) make an order directing the Registrar to cancel the registration of the security notice.

Definition of "document"

(7) In this section, "document" includes any amendment to the document.

Notice to take proceedings

114. (1) A person who may serve a demand for information in respect of a security notice in relation to an interest or a share therein pursuant to subsection 113(1) may

(a) serve on the secured party under the security notice a notice to take proceedings, in prescribed form, directing that secured party to apply to the court within sixty days after the day on which the notice to take proceedings is served, for an order substantiating the security interest claimed in the security notice; or

(b) commence proceedings in the court, requiring the secured party to show cause why the registration of the security notice should not be cancelled.

Order to shorten notice to take proceedings

(2) The court may, by order, on the *ex parte* application of a person who proposes to serve a notice to take proceedings under subsection (1), shorten the sixty day period referred to in paragraph (1)(a) and, if the order is made,

(a) paragraph (1)(a) shall, in relation to that notice to take proceedings, be deemed to refer to the shorter period; and

(b) a certified copy of the order shall be served with that notice to take proceedings.

Order to extend notice

to take proceedings

(3) The court may, on the application of a secured party served with a notice to take proceedings, extend the period for applying to the court referred to in paragraph (1)(a), whether or not that period has been shortened under subsection (2).

Service

(4) A notice to take proceedings is served for the purposes of this section if it is sent by registered mail or delivered to the secured party at the official address for service in respect of the security notice according to the records of the Registrar.

Cancellation of registration of security notice

(5) The registration of a security notice shall be cancelled on submission to the Registrar of a statutory declaration showing that

(a) a notice to take proceedings was served in accordance with this section; and

(b) no application was commenced in accordance with the notice to take proceedings or within the period extended pursuant to subsection (3) or an application so made was dismissed by the court or discontinued.

No further registration after cancellation

(6) Where the registration of a security notice in respect of a security interest is cancelled pursuant to subsection (5) or (7), the secured party under the security notice may not submit for registration under this Division another security notice in respect of that security interest without leave of the court to do so.

Cancellation of registration on order of court

(7) The registration of a security notice shall be cancelled where there is submitted to the Registrar a certified copy of an order or judgment of a court directing the Registrar to do so, whether as a result of proceedings taken under this Division or otherwise.

Transfer effective on registration

115. A transfer of an interest or a share therein is not effective against the Crown prior to the registration of the transfer.

No restriction on rights of Board or Her Majesty

116. For greater certainty, the registration of an instrument

(a) does not restrict or in any manner affect any right or power of the Board or of the Ministers under this Part, the regulations or the terms of any interest; and

(b) does not derogate from any proprietary right or any right to dispose of or exploit natural resources that Her Majesty in right of Canada has under this Act in respect of any portion of the offshore area.

No action for acts done in performance of official functions

117. No action or other proceedings for damages shall be commenced against the Registrar or Deputy Registrar or anyone acting under the authority of the Registrar or Deputy Registrar for an act done or omission in good faith in the exercise of a power or the performance of a duty under this Division.

Regulations

118. Subject to section 7, the Governor in Council may make regulations for carrying out the purposes and provisions of this Division and, without restricting the generality of the foregoing, may make regulations

(a) prescribing the powers, duties and functions of the Registrar and Deputy Registrar for the purposes of this Division and the time when, and manner and circumstances in which, they are to be exercised, and providing for the designation by the Board of any person or class of persons to exercise such powers and perform such duties and functions as may be specified in the regulations;

(b) governing the books, abstracts and indexes to be maintained as the register

for the purposes of this Division and the particulars of interests, instruments and portions of the offshore area and the orders and declarations made in relation to interests to be recorded therein;

(c) governing the filing of copies of interests, registered instruments and other documents in the register established under this Division;

(d) governing public access to and searches of the register;

(e) prescribing fees for the registration of instruments, making copies and certified copies of documents, searches and any other services specified in the regulations for the purposes of this Division, and requiring such fees to be paid for such services; and

(f) prescribing any other matter or thing that is by this Division to be prescribed.

DIVISION IX ADMINISTRATION AND ENFORCEMENT

Disclosure of Information

Definitions

119. (1) In this section,

"delineation well"
«*puits de délimitation*»

"delineation well" means a well that is so located in relation to another well penetrating an accumulation of petroleum that there is a reasonable expectation that another portion of that accumulation will be penetrated by the first-mentioned well and that the drilling is necessary in order to determine the commercial value of the accumulation;

"development well"
«*puits d'exploitation*»

"development well" means a well that is so located in relation to another well penetrating an accumulation of petroleum that it is considered to be a well or part of a well drilled for the purpose of production or observation or for the injection or disposal of fluid into or from the accumulation;

"engineering research or feasibility study"
«*recherches ou études techniques*»

"engineering research or feasibility study" includes work undertaken to facilitate the design or to analyse the viability of engineering technology, systems or schemes to be used in the exploration for or the development, production or transportation of petroleum in the offshore area;

"environmental study"
«*études de l'environnement*»

"environmental study" means work pertaining to the measurement or statistical evaluation of the physical, chemical and biological elements of the lands, oceans or coastal zones, including winds, waves, tides, currents, precipitation, ice cover and movement, icebergs, pollution effects, flora and fauna both onshore and offshore, human activity and habitation and any related matters;

"experimental project"
«*opération expérimentale*»

"experimental project" means work or activity involving the utilization of methods or equipment that are untried or unproven;

"exploratory well"
«*puits d'exploration*»

"exploratory well" means a well drilled on a geological feature on which a significant discovery has not been made;

"geological work"
«*travaux de géologie*»

"geological work" means work, in the field or laboratory, involving the collection, examination, processing or other analysis of lithological, paleontological or geochemical materials recovered from the seabed or subsoil of any portion of the offshore area and includes the analysis and interpretation of mechanical well logs;

"geophysical work"

«travaux de géophysique»

"geophysical work" means work involving the indirect measurement of the physical properties of rocks in order to determine the depth, thickness, structural configuration or history of deposition thereof and includes the processing, analysis and interpretation of material or data obtained from such work;

"geotechnical work"
«travaux de géotechnique»

"geotechnical work" means work, in the field or laboratory, undertaken to determine the physical properties of materials recovered from the seabed or subsoil of any portion of the offshore area;

"well site seabed survey" « levé marin »

"well site seabed survey" means a survey pertaining to the nature of the seabed or subsoil of any portion of the offshore area in the area of the proposed drilling site in respect of a well and to the conditions of those portions of the offshore area that may affect the safety or efficiency of drilling operations;

"well termination date"
«date d'abandon du forage»

"well termination date" means the date on which a well or test hole has been abandoned, completed or suspended in accordance with any applicable regulations respecting the drilling for petroleum made under Part III.

Privilege

(2) Subject to section 18 and this section, information or documentation provided for the purposes of this Part or Part III or any regulation made under either Part, whether or not such information or documentation is required to be provided under either Part or any regulation made thereunder, is privileged and shall not knowingly be disclosed without the consent in writing of the person who provided it except for the purposes of the administration or enforcement of either Part or for the purposes of legal proceedings relating to such administration or enforcement.

Idem

(3) No person shall be required to produce or give evidence relating to any information or documentation that is privileged under subsection (2) in connection with any legal proceedings, other than proceedings relating to the administration or enforcement of this Part or Part III.

Registration of documents

(4) For greater certainty, this section does not apply to a document that has been registered under Division VIII.

Information that may be disclosed

(5) Subsection (2) does not apply to the following classes of information or documentation obtained as a result of carrying on a work or activity that is authorized under Part III, namely, information or documentation in respect of

(a) an exploratory well, where the information or documentation is obtained as a direct result of drilling the well and if two years have passed since the well termination date of that well;

(b) a delineation well, where the information or documentation is obtained as a direct result of drilling the well and if the later of

(i) two years since the well termination date of the relevant exploratory well, and

(ii) ninety days since the well termination date of the delineation well,

have passed;

(c) a development well, where the information or documentation is obtained as a direct result of drilling the well and if the later of

(i) two years since the well termination date of the relevant exploratory well,

and

(ii) sixty days since the well termination date of the development well,

have passed;

(d) geological work or geophysical work performed on or in relation to any portion of the offshore area,

(i) in the case of a well site seabed survey where the well has been drilled, after the expiration of the period referred to in paragraph (a) or the later period referred to in subparagraph (b)(i) or (ii) or (c)(i) or (ii), according to whether paragraph (a), (b) or (c) is applicable in respect of that well, or

(ii) in any other case, after the expiration of five years following the date of completion of the work;

(e) any engineering research or feasibility study or experimental project, including geotechnical work, carried out on or in relation to any portion of the offshore area,

(i) where it relates to a well and the well has been drilled, after the expiration of the period referred to in paragraph (a) or the later period referred to in subparagraph (b)(i) or (ii) or (c)(i) or (ii), according to whether paragraph (a), (b) or (c) is applicable in respect of that well, or

(ii) in any other case, after the expiration of five years following the date of completion of the research, study or project or after the reversion of that portion of the offshore area to Crown reserve areas, whichever occurs first;

(f) any contingency plan formulated in respect of emergencies arising as a result of any work or activity authorized under Part III;

(g) diving work, weather observation or the status of operational activities or of the development of or production from a pool or field;

(g.1) accidents, incidents or petroleum spills, to the extent necessary to permit a person or body to produce and to distribute or publish a report for the administration of this Act in respect of the accident, incident or spill;

(h) any study funded from an account established under subsection 76(1) of the *Canada Petroleum Resources Act*, if the study has been completed; and

(i) an environmental study, other than a study referred to in paragraph (h),

(i) where it relates to a well and the well has been drilled, after the expiration of the period referred to in paragraph (a) or the later period referred to in subparagraph (b)(i) or (ii) or (c)(i) or (ii), according to whether paragraph (a), (b) or (c) is applicable in respect of that well, or

(ii) in any other case, if five years have passed since the completion of the study.

(6) [Repealed, 1988, c. 28, s. 260]

1987, c. 3, s. 119; 1988, c. 28, s. 260; 1992, c. 35, s. 48; 1994, c. 26, s. 13(F).

Arbitration

120. [Repealed, 1992, c. 35, s. 49]

Operating agreements

121. (1) Where a dispute of a prescribed class arises between two or more interest holders of an interest in respect of any operations conducted in carrying out a work or activity in the offshore area authorized under Part III and an operating agreement or other similar arrangement that extends to such work or activity is not in force or was made prior to March 5, 1982, the matters in dispute may, by order of the Board, be submitted to arbitration conducted in accordance with the regulations.

Application

(2) Subsection (1) applies only in respect of

(a) interests in force on March 5, 1982 in relation to any portion of the offshore area; and

(b) interests immediately succeeding the interests referred to in paragraph (a) in relation to that portion of the offshore area where that portion of the offshore area was not a Crown reserve area on the expiration of the interests referred to in paragraph (a).

Arbitration order

(3) An order of an arbitrator made pursuant to arbitration under subsection (1) is binding on all interest holders specified in the order from the date specified in the order, and the terms and conditions of the order are deemed to be terms and conditions of the interest to which the matters relate.

Regulations

122. (1) Subject to section 7, the Governor in Council may make regulations for carrying out the purposes and provisions of section 121 and, without restricting the generality of the foregoing, may make regulations

(a) governing arbitration and the making of arbitration orders;

(b) prescribing the classes of disputes that may be submitted to arbitration; and

(c) governing appeals from and enforcement of arbitration orders.

Application of regulations

(2) Regulations made under subsection (1) may apply generally to the offshore area or any portion thereof.

1987, c. 3, s. 122; 1992, c. 35, s. 50.

Cancellation of Rights

Notice to comply

123. (1) Where the Board has reason to believe that an interest owner or holder is failing or has failed to meet any requirement of or under this Part or Part III or any regulation made under either Part, the Board may give notice to that interest owner or holder requiring compliance with the requirement within ninety days after the date of the notice or within such longer period as the Board considers appropriate.

Default

(2) Notwithstanding anything in this Part but subject to sections 31 to 40, where an interest owner or holder fails to comply with a notice under subsection (1) within the period specified in the notice and the Board considers that the failure to comply warrants cancellation of the interest of the interest owner or holder or any share in the interest held by the holder with respect to a portion only of the offshore area

subject to the interest, the Board may, by order subject to section 124, cancel that interest or share, and where the interest or share is so cancelled, the portions of the offshore area thereunder become Crown reserve areas.

Hearings and Judicial Review

Definition of "Committee"	124. (1) In this section, "Committee" means the Oil and Gas Committee established by Part III.
Notice	(2) The Board shall, not less than thirty days before making any order or decision or taking any action in respect of which it is expressly stated in this Part to be subject to this section, give notice in writing to the persons the Board considers to be directly affected by the proposed order, decision or action.
Request for hearing	(3) Any person receiving a notice under subsection (2) may, in writing, request a hearing within the thirty day period referred to in that subsection and, on receipt of such a request, the Board shall direct the Committee to appoint a time and place for a hearing and give notice thereof to the person who requested the hearing.
Hearing	(4) Any person requesting a hearing under subsection (3) may make representations and introduce witnesses and documents at the hearing.
Powers of Committee	(5) For the purposes of a hearing requested under subsection (3), the Committee has, regarding the attendance, swearing and examination of witnesses and the production and inspection of documents, all such powers, rights and privileges as are vested in a superior court of record.
Recommendations of Committee	(6) On the conclusion of the hearing, the Committee shall submit to the Board its recommendations concerning the proposed order, decision or action of the Board, together with the evidence and other material that was before the Committee.
Order of Board	(7) Before making any order or decision or taking any action in respect of which a hearing has been held, the Board shall consider the recommendations of the Committee.
Notification of order and reasons	(8) Where an order, decision or action referred to in subsection (2) is made or taken, the Board shall notify the person who requested a hearing in respect of the order, decision or action under subsection (3) and, on request by that person, publish or make available to that person the reasons for the order, decision or action.
Effective date of order	(9) An order, decision or action referred to in subsection (2) takes effect as of <p>(a) the day that immediately follows the last day of the thirty day period referred to in that subsection, where no hearing is requested under subsection (3); or</p> <p>(b) the day that the order or decision is made or the action is taken by the Board, where a hearing is requested under subsection (3).</p>
Judicial review	(10) Any order, decision or action in respect of which a hearing is held under this section is subject to review and to be set aside by the Trial Division of the Supreme Court of Newfoundland.

Regulations

Regulations	125. (1) Subject to section 7, the Governor in Council may make regulations for carrying out the purposes and provisions of this Part and, without restricting the generality of the foregoing, may make regulations
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(a) not inconsistent with the *Canada Lands Surveys Act* authorizing or requiring the survey, division and subdivision of the offshore area and defining and describing those divisions and subdivisions;

(b) prescribing the information and documentation to be provided by interest owners and interest holders for the purposes of this Part, the time when and manner in which such information and documentation is to be provided, authorizing the Board to prescribe the form in which it is to be provided and requiring such information and documentation to be provided in accordance with the regulations;

(c) requiring fees and deposits to be paid in respect of interests, prescribing the amounts of such fees and deposits, the time and manner of their payment and providing for the administration of such fees and deposits and the disposition and return of deposits; and

(d) prescribing any other matter or thing that by this Part is to be prescribed or that is to be done by regulations.

Publication of proposed regulations

(2) Subject to subsection (3), a copy of each regulation that the Governor in Council proposes to make under this Part shall be published in the *Canada Gazette* and a reasonable opportunity shall be afforded to interested persons to make representations to the Board with respect thereto.

Single publication required

(3) No proposed regulation need be published more than once under subsection (2) whether or not it is altered or amended after such publication as a result of representations made by interested persons as provided in that subsection.

Forms

126. (1) The Board may prescribe any form or any information to be given on a form that is by this Part or the regulations to be prescribed and may include on any form so prescribed a declaration, to be signed by the person completing the form, declaring that the information given by that person on the form is, to the best of the knowledge of that person, true, accurate and complete.

Forms prescribed or authorized

(2) Every form purporting to be a form prescribed or authorized by the Board shall be deemed to be a form prescribed by the Board under this Part unless called in question by the Board or some person acting for the Board or Her Majesty in right of Canada or the Province.

Forms not regulations

(3) Where a form or information to be given on a form is prescribed by the Board pursuant to this Act, it shall be deemed not to be a regulation within the meaning of the *Statutory Instruments Act*.

DIVISION X TRANSITIONAL, CONSEQUENTIAL AND COMMENCEMENT

Transitional

Exploration agreements extant are continued

127. (1) Where an exploration agreement in relation to any portion of the offshore area was entered into or negotiations in respect thereof were completed under the *Canada Oil and Gas Act* before the coming into force of this section, that exploration agreement shall, for the purposes of this Part, be referred to as an exploration licence and shall, subject to this Part, have effect in accordance with its terms and conditions.

Declarations of significant discovery

(2) Where a declaration of significant discovery was made under section 44 of

are continued	the <i>Canada Oil and Gas Act</i> and is in force on the coming into force of this section, it continues in force as if it were made pursuant to section 71 of this Part.
Deemed significant discovery licence	(3) Where, on the coming into force of this section, an exploration agreement is continuing in force pursuant to subsection 16(4) of the <i>Canada Oil and Gas Act</i> , it shall be deemed to be a significant discovery licence issued under this Part on the coming into force of this section and is subject to this Part.
Replacement of rights	128. (1) Subject to section 127 and subsection 129(2), the interests provided for under this Part replace all petroleum rights or prospects thereof acquired or vested in relation to any portion of the offshore area prior to the coming into force of this section.
No compensation	(2) No party shall have any right to claim or receive any compensation, damages, indemnity or other form of relief from Her Majesty in right of Canada or from any servant or agent thereof for any acquired, vested or future right or entitlement or any prospect thereof that is replaced or otherwise affected by this Part, or for any duty or liability imposed on that party by this Part.
Regulations continue in force	129. (1) The <i>Canada Oil and Gas Land Regulations</i> remain in force to the extent that they are consistent with this Part until they are revoked or replaced by regulations made under this Part.
Former interests	(2) All interests provided by the <i>Canada Oil and Gas Land Regulations</i> that are in force on the coming into force of this section continue in force subject to sections 130 to 133.
Petro-Canada rights abrogated	(3) All rights of Petro-Canada to acquire further interests or shares in interests as a result of the operation of section 33, 120 or 121 of the <i>Canada Oil and Gas Land Regulations</i> are abrogated as of March 5, 1982.
Idem	(4) Where any portion of the offshore area becomes a Crown reserve area on or after April 30, 1980, Petro-Canada shall not be entitled to exercise any rights under section 33 of the <i>Canada Oil and Gas Land Regulations</i> with respect to that Crown reserve area.
Dealings not vitiated for failure to comply with regulations	(5) Where a person acquires, disposes of or otherwise deals in an interest or a share in an interest in respect of which Petro-Canada would, but for the circumstances described in paragraph (a) or (b), have had any right under section 33, 120 or 121 of the <i>Canada Oil and Gas Land Regulations</i> , no such acquisition, disposition or dealing is vitiated by reason only of <p style="margin-left: 40px;">(a) the failure to give Petro-Canada a notice required under any of those sections; or</p> <p style="margin-left: 40px;">(b) the erroneous determination of a Canadian participation rate under those regulations.</p>
Retrospective application	(6) Subsection (5) has retrospective application to any acquisition, disposition or dealing that occurred prior to March 5, 1982.
Definition of "Petro Canada"	(7) In this section, "Petro-Canada" means the corporation established by the <i>Petro-Canada Act</i> .
Former permits, former special renewal permits and former exploration agreements	130. (1) Subject to sections 132 and 133, the interest owner of a former permit, former special renewal permit or former exploration agreement shall, on or before the first anniversary date of any such interest following March 5, 1982 or on or before six months following such date, whichever is the later, negotiate an exploration licence with the Board subject to sections 31 to 40.

Surrender	(2) Where an interest owner referred to in subsection (1) does not comply with that subsection, the portion of the offshore area under the relevant interest is deemed to be surrendered and becomes a Crown reserve area.
Extension	(3) Notwithstanding anything in this Part, an exploration licence under subsection (1) may be extended to include all or any portion of the offshore area under the preceding interest and any related portions of the offshore area that, immediately prior to such extension, were Crown reserve areas.
Where drilling commitment exists	(4) Where a former special renewal permit or former exploration agreement contains provisions for the drilling of one or more wells, the Board shall offer to issue an exploration licence to the interest owner for a term equal to the balance of the term of the former special renewal permit or former exploration agreement remaining on March 5, 1982 and having the same drilling provisions.
Former leases	131. (1) Subject to sections 132 and 133, the interest owner of a former lease shall, on or before the first anniversary date of the former lease following March 5, 1982 or on or before six months following such date, whichever is the later, negotiate an exploration licence with the Board subject to sections 31 to 40.
Surrender	(2) Where an interest owner referred to in subsection (1) does not comply with that subsection, the portion of the offshore area under the former lease is deemed to be surrendered and becomes a Crown reserve area.
Application	(3) Subsection 130(3) applies, with such modifications as the circumstances require, to lands that may be included in an exploration licence under subsection (1).
Extension of time	132. Where an exploration licence required to be negotiated under section 130 or 131 cannot be negotiated within the period provided in those sections for any reason not attributable to the interest owner, the Board shall extend that period to allow for such negotiation within a reasonable time.
Consolidated exploration licence	133. (1) One or more interest owners of former permits, former special renewal permits, former exploration agreements or former leases may, for the purposes of complying with subsection 130(1) or 131(1), negotiate together a single exploration licence that would consolidate any number or combination of such interests held by those interest owners.
Terms and conditions of exploration licence	(2) Subject to sections 31 to 40, an exploration licence negotiated pursuant to subsection (1) shall contain any terms and conditions that may be agreed on by the Board and the interest owners thereof.
Crown share abrogated	134. For greater certainty, the reservation to Her Majesty in right of Canada of a Crown share in any interest granted or entered into under the <i>Canada Oil and Gas Act</i> prior to the coming into force of this section is abrogated as of the day this section comes into force.

PART III PETROLEUM OPERATIONS

Interpretation

Definitions	135. In this Part,
"Chief Conservation Officer" «délégué à l'exploitation»	"Chief Conservation Officer" means the person designated as the Chief Conservation Officer pursuant to section 140;

"Chief Safety Officer" «délégué à la sécurité»	"Chief Safety Officer" means the person designated as the Chief Safety Officer pursuant to section 140;
"Committee" «Comité»	"Committee" means the Oil and Gas Committee established by section 141;
"lease" «concession»	"lease" means an oil and gas lease issued pursuant to regulations made in accordance with the <i>Territorial Lands Act</i> and the <i>Public Lands Grants Act</i> and includes a production licence issued under Part II;
"permit" «permis»	"permit" means an exploratory oil and gas permit issued pursuant to regulations made in accordance with the <i>Territorial Lands Act</i> and the <i>Public Lands Grants Act</i> and includes an exploration agreement entered into under the <i>Canada Oil and Gas Land Regulations</i> and any exploration agreement or licence that is subject to Part II;
"pipeline" «pipe-line»	"pipeline" means any pipe or any system or arrangement of pipes by which petroleum or water incidental to the drilling for or production of petroleum is conveyed from any wellhead or other place at which it is produced to any other place, or from any place where it is stored, processed or treated to any other place, and includes all property of any kind used for the purpose of, or in connection with or incidental to, the operation of a pipeline in the gathering, transporting, handling and delivery of petroleum and, without restricting the generality of the foregoing, includes offshore installations or vessels, tanks, surface reservoirs, pumps, racks, storage and loading facilities, compressors, compressor stations, pressure measuring and controlling equipment and fixtures, flow controlling and measuring equipment and fixtures, metering equipment and fixtures, and heating, cooling and dehydrating equipment and fixtures, but does not include any pipe or any system or arrangement of pipes that constitutes a distribution system for the distribution of gas to ultimate consumers;
"well" «puits»	"well" means any opening in the ground (not being a seismic shot hole) that is made, is to be made or is in the process of being made, by drilling, boring or other method, <ul style="list-style-type: none"> (a) for the production of petroleum, (b) for the purpose of searching for or obtaining petroleum, (c) for the purpose of obtaining water to inject into an underground formation, (d) for the purpose of injecting gas, air, water or other substance into an under ground formation, or (e) for any purpose, if made through sedimentary rocks to a depth of at least one hundred and fifty metres.

1987, c. 3, s. 135; 1992, c. 35, s. 52.

Purpose

Purpose

135.1 The purpose of this Part is to promote, in respect of the exploration for and exploitation of petroleum,

- (a) safety, particularly by encouraging persons exploring for and exploiting petroleum to maintain a prudent regime for achieving safety;

- (b) the protection of the environment;
- (c) the conservation of petroleum resources; and
- (d) joint production arrangements.

1992, c. 35, s. 53.

Application

Application

136. This Part applies in respect of the exploration and drilling for and the production, conservation, processing and transportation of petroleum in the offshore area.

1987, c. 3, s. 136; 1992, c. 35, s. 54(F).

Oil and Gas Administration Advisory Council

Designation

136.1 The Provincial Minister may designate one of the members of the Oil and Gas Administration Advisory Council established by the *Canada Oil and Gas Operations Act*.

1992, c. 35, s. 55.

Offshore Oil and Gas Training Standards Advisory Board

Approval

136.2 The Provincial Minister may approve the establishment of the Offshore Oil and Gas Training Standards Advisory Board by the federal Ministers pursuant to subsection 5.5(1) of the *Canada Oil and Gas Operations Act*.

1992, c. 35, s. 55.

Prohibition

Prohibition

137. No person shall carry on any work or activity related to the exploration or drilling for or the production, conservation, processing or transportation of petroleum in the offshore area unless

(a) that person is the holder of an operating licence issued under paragraph 138(1)(a);

(b) that person is the holder of an authorization issued, before the commencement of operations, under paragraph 138(1)(b) for each such work or activity; and

(c) where it is required, that person is authorized or entitled to carry on business in the place where that person proposes to carry on the work or activity.

1987, c. 3, s. 137; 1992, c. 35, s. 56.

Delegation

Delegation

137.1 The Board may delegate any of the Board's powers under section 138,

138.2, 138.3, 139.1, 139.2 or 163 to any person, and the person shall exercise those powers in accordance with the terms of the delegation.

1992, c. 35, s. 57.

Licences and Authorizations

Operating Licences and Authorization for Work

Licences and authorizations

138. (1) The Board may, on application made in the form and containing the information fixed by it, and made in the prescribed manner, issue

(a) an operating licence; and

(b) subject to section 45, an authorization with respect to each work or activity proposed to be carried on.

Term and renewals

(2) An operating licence expires on the thirty-first day of March immediately after the day on which it is issued and may be renewed for successive periods not exceeding one year each.

Requirements for operating licence

(3) An operating licence is subject to such requirements as the Board determines or as may be prescribed and to such fees and deposits as are prescribed.

Requirements for authorization

(4) An authorization is subject to such approvals as the Board determines or as may be granted in accordance with the regulations and such requirements and deposits as the Board determines or as may be prescribed, including

(a) requirements relating to liability for loss, damage, costs or expenses;

(b) requirements for the carrying out of environmental programs or studies; and

(c) requirements for the payment of expenses incurred by the Board in approving the design, construction and operation of production facilities and production platforms, as those terms are defined in the regulations.

Suspension or revocation

(5) The Board may suspend or revoke an operating licence or an authorization for failure to comply with, contravention of or default in respect of

(a) a requirement, approval, fee or deposit subject to which the licence or authorization was issued;

(b) a requirement undertaken in a declaration referred to in subsection 139.1(1) or (2);

(c) subsection 139.1(3), 139.2(2) or 163(1.1); or

(d) any applicable regulation.

1987, c. 3, s. 138; 1992, c. 35, s. 58.

Right of entry

138.1 (1) Subject to subsection (2), any person may, for the purpose of exploring for or exploiting petroleum, enter on and use any portion of the offshore area in order to carry on a work or activity authorized under paragraph 138(1)(b).

Restriction

(2) Where a person occupies a portion of the offshore area under a lawful right or title, other than an authorization under paragraph 138(1)(b) or an interest as defined in Part II, no person may enter on or use that portion for a purpose referred to in subsection (1) without the consent of the occupier or, where consent has been refused, except in accordance with the terms and conditions imposed by a decision of an arbitrator made in accordance with the regulations.

1992, c. 35, s. 58.

Safety of Works and Activities

Safety

138.2 The Board shall, before issuing an authorization for a work or activity referred to in paragraph 138(1)(b), consider the safety of the work or activity by reviewing, in consultation with the Chief Safety Officer, the system as a whole and its components, including its structures, facilities, equipment, operating procedures and personnel.

1992, c. 35, s. 58.

Financial Responsibility

Compliance with subsection 163(1)

138.3 The Board shall, before issuing an authorization for a work or activity referred to in paragraph 138(1)(b), ensure that the applicant has complied with the requirements of subsection 163(1) in respect of that work or activity.

1992, c. 35, s. 58.

Development Plan Approval

Approval of general approach of development

139. (1) No approval that is

(a) applicable to an authorization under paragraph 138(1)(b) to carry on work or activity in relation to developing a pool or field, and

(b) prescribed by the regulations for the purposes of this subsection

shall be granted, except with the approval of both Ministers, unless the Board, on application submitted in accordance with subsection (2), has approved a development plan relating to the pool or field pursuant to paragraphs (4)(a) and (b).

Application and submission of development plan

(2) For the purposes of subsection (1), an application for the approval of a development plan shall be submitted to the Board in the form and containing the information fixed by the Board, at such time and in such manner as may be prescribed, together with the proposed development plan in the form and containing the information described in subsection (3).

Development plan in two parts

(3) A development plan relating to the proposed development of a pool or field submitted pursuant to this section shall be set out in two parts, containing

(a) in Part I, a description of the general approach of developing the pool or field, and in particular, information, in such detail as may be prescribed, with respect to

(i) the scope, purpose, location, timing and nature of the proposed development,

(ii) the production rate, evaluations of the pool or field, estimated amounts of petroleum proposed to be recovered, reserves, recovery methods, production monitoring procedures, costs and environmental factors in connection with the proposed development, and

(iii) the production system and any alternative production systems that could be used for the development of the pool or field; and

(b) in Part II, all technical or other information and proposals, as may be prescribed, necessary for a comprehensive review and evaluation of the proposed development.

Approval of
development plan

(4) After reviewing an application and development plan submitted by any person pursuant to this section the Board may, subject to such requirements as the Board deems appropriate or as may be prescribed, approve

(a) subject to sections 31 to 40, Part I of the development plan; and

(b) Part II of the development plan.

Approval of
amendments to plan

(5) Where a development plan has been approved pursuant to subsection (4), no amendment of Part I or II of the development plan shall be made unless it is approved by the Board in accordance with paragraph (4)(a) or (b), as the case may be.

Application of certain
provisions

(6) Subsections (2) to (5) apply, with such modifications as the circumstances require, with respect to a proposed amendment to a development plan.

1987, c. 3, s. 139; 1992, c. 35, s. 59.

Declarations

Declaration by
applicant

139.1 (1) Subject to subsection (2), no authorization under paragraph 138(1)(b) shall be issued unless the Board has received, from the applicant for the authorization, a declaration in the form fixed by the Board that states that

(a) the equipment and installations that are to be used in the work or activity to be authorized are fit for the purposes for which they are to be used, the operating procedures relating to them are appropriate for those uses, and the personnel who are to be employed in connection with them are qualified and competent for their employment; and

(b) the applicant shall ensure, so long as the work or activity that is authorized continues, that the equipment and installations continue to be fit for the purposes for which they are used, the operating procedures continue to be appropriate for those uses, and the personnel continue to be so qualified and competent.

Declaration by owner

(2) The Board may accept, in respect of equipment that is to be used in a work or activity to be authorized, a declaration from the owner of the equipment in lieu of a declaration from the applicant for the authorization, and such a declaration shall be in a form fixed by the Board and shall state that

(a) the equipment is fit for the purpose for which it is to be used, the operating procedures relating to it are appropriate for that use, and the personnel who are to be employed by the owner in connection with it are qualified and competent for their employment; and

(b) the owner shall ensure, so long as the equipment is used in the work or activity that is authorized, that the equipment continues to be fit for the purpose for which it is used, the operating procedures continue to be appropriate for that use, and the personnel continue to be so qualified and competent.

Changes

(3) Where the equipment, an installation, the operating procedures or any of the personnel specified in the declaration changes and no longer conforms to the declaration, the holder of the authorization shall provide the Board with a new declaration as soon as possible after the change occurs.

Immunity

(4) The Board or any delegate of the Board is not liable to any person by reason only of having issued an authorization in reliance on a declaration made under this section.

1992, c. 35, s. 60.

Certificates

Certificate

139.2 (1) No authorization under paragraph 138(1)(b) shall be issued with respect to any prescribed equipment or installation, or any equipment or installation of a prescribed class, unless the Board has received, from the applicant for the authorization, a certificate issued by a certifying authority in the form fixed by the Board.

Continuing obligation

(2) The holder of an authorization shall ensure that the certificate referred to in subsection (1) remains in force for so long as the equipment or installation to which the certificate relates is used in the work or activity in respect of which the authorization is issued.

Contents of certificate

(3) A certificate referred to in subsection (1) shall state that the equipment or installation in question

(a) is fit for the purposes for which it is to be used and may be operated safely without posing a threat to persons or to the environment in the location and for the time set out in the certificate; and

(b) is in conformity with all of the requirements and conditions that are imposed for the purposes of this section by subsection 138(4), whether they are imposed by regulation or by the Board.

Validity of certificate

(4) A certificate referred to in subsection (1) is not valid if the certifying authority

(a) has not complied with any prescribed procedure or any procedure that the Board may establish; or

(b) is a person or an organization that has participated in the design, construction or installation of the equipment or installation in respect of which the certificate is issued, to any extent greater than that prescribed.

Access

(5) An applicant shall permit the certifying authority to have access to the equipment and installations in respect of which the certificate is required and to any information that relates to them.

Definition of "certifying authority"

(6) For the purposes of this section, "certifying authority" has the meaning assigned by the regulations.

Immunity

(7) The Board or any delegate of the Board is not liable to any person by reason only of having issued an authorization in reliance on a certificate issued under this

section.

1992, c. 35, s. 60.

Chief Safety Officer and Chief Conservation Officer

Designation

140. The Board may, for the purposes of this Act, designate the Chief Executive Officer or any other person as the Chief Safety Officer and the same or another person as the Chief Conservation Officer.

1987, c. 3, s. 140; 1992, c. 35, s. 61.

Statutory Instruments Act

Orders

140.1 For the purposes of this Act, an order made by a safety officer, the Chief Safety Officer, a conservation officer, the Chief Conservation Officer or the Committee is not a statutory instrument as defined in the *Statutory Instruments Act*.

1992, c. 35, s. 61.

Extended Formation Flow Tests

Title

140.2 (1) Subject to subsection (2), title to petroleum produced during an extended formation flow test vests in the person who conducts the test in accordance with an authorization under section 138, with every approval and requirement subject to which such an authorization is issued and with any applicable regulation, whether or not the person has a production licence issued under Part II.

Conditions

(2) Title to petroleum referred to in subsection (1) is conditional on compliance with the terms of the authorization, approval or regulation, including the payment of royalties or other payment in lieu of royalties.

Limitation

(3) This section applies only in respect of an extended formation flow test that provides significant information for determining the best recovery system for a reservoir or for determining the limits of a reservoir or the productivity of a well producing petroleum from a reservoir and that does not adversely affect the ultimate recovery from a reservoir.

1992, c. 35, s. 61.

Oil and Gas Committee

Constitution

Oil and Gas Committee

141. (1) The Board may, for the purposes of this Part and Part III of the Provincial Act, establish a committee to be known as the Oil and Gas Committee, consisting of not more than five members, not more than three of whom may be employees in the public service of Canada or of the Province.

Appointment of members and chairman

(2) The members of the Committee shall be appointed by the Board to hold office for a term of three years, and one member shall be designated as chairman for such term as may be fixed by the Board.

Re-appointment permitted

(3) A retiring chairman or retiring member may be re-appointed to the Committee in the same or another capacity.

- Qualification of members** **142.** (1) The Board shall appoint as members of the Committee at least two persons who appear to the Board to have specialized, expert or technical knowledge of petroleum.
- Idem** (2) The members and employees of the Board and the Chief Conservation Officer are not eligible to be members of the Committee.
- Staff** (3) The Board shall provide the Committee with such officers, clerks and employees as may be necessary for the proper conduct of the affairs of the Committee, and may provide the Committee with such professional or technical assistance for temporary periods or for specific work as the Committee may request, but no such assistance shall be provided otherwise than from the staff of the Board except with the approval of the two Ministers.
- Remuneration** (4) The members of the Committee who are not employees of the public service of Canada or of the Province shall be paid such remuneration as may be authorized by the Board.

Expenses (5) The members of the Committee are entitled to be paid reasonable travel and living expenses while absent from their ordinary place of residence in the course of their duties.

Interest in petroleum properties **143.** No member of the Committee shall have a pecuniary interest of any description, directly or indirectly, in any property in petroleum to which this Part applies or own shares in any company engaged in any phase of the petroleum industry in Canada in an amount in excess of five per cent of the issued shares thereof and no member who owns any shares of any company engaged in any phase of the petroleum industry in Canada shall vote when a question affecting such a company is before the Committee.

Quorum **144.** (1) A majority of the members, including one member who is not an employee in the public service of Canada or of the Province, constitutes a quorum of the Committee.

Powers of Committee (2) The Committee may make general rules not inconsistent with this Part regulating its practice and procedure and the places and times of its sittings.

Jurisdiction and Powers

Jurisdiction **145.** (1) Where, under this Part, the Committee is charged with a duty to hold an inquiry or to hear an appeal, the Committee has full jurisdiction to inquire into, hear and determine the matter of any such inquiry or appeal and to make any order, or give any direction that pursuant to this Part the Committee is authorized to make or give or with respect to any matter, act or thing that by this Part may be prohibited or approved by the Committee or required by the Committee to be done.

Powers of Committee (2) For the purpose of any inquiry, hearing or appeal, or the making of any order pursuant to this Part, the Committee has, regarding the attendance, swearing and examination of witnesses, the production and inspection of documents, the entry on and inspection of property, the enforcement of its orders and regarding other matters necessary or proper for the due exercise of its jurisdiction pursuant to this Part, all such powers, rights and privileges as are vested in a superior court of record.

Finding of fact conclusive (3) The finding or determination of the Committee on any question of fact within its jurisdiction is binding and conclusive.

Deputing member to hold inquiry **146.** (1) The Committee may authorize and depute any member thereof to inquire into such matter before the Committee as may be directed by the Committee and to report the evidence and findings, if any, thereon to the

Committee, and when such report is made to the Committee, it may be adopted as a finding of the Committee or otherwise dealt with as the Committee considers advisable.

Powers of deputed member

(2) Where an inquiry is held by a member under subsection (1), the member has all the powers of the Committee for the purpose of taking evidence or acquiring information for the purposes of the report to the Committee.

Advisory functions

147. The Board may at any time refer to the Committee for a report or recommendation any question, matter or thing arising under this Part or relating to the conservation, production, storage, processing or transportation of petroleum.

Enforcement

Enforcement of Committee orders

148. (1) Any order made by the Committee may, for the purpose of enforcement thereof, be made an order of the Supreme Court of Newfoundland and shall be enforced in like manner as any order of that Court.

Procedure for enforcement

(2) To make an order of the Committee an order of the Supreme Court of Newfoundland, the practice and procedure established by the Provincial Act for making any order an order of that Court may be followed.

When order rescinded or replaced

(3) When an order of the Committee has been made an order of the Supreme Court of Newfoundland, any order of the Committee, or of the Board under section 186, rescinding or replacing the first mentioned order of the Committee, shall be deemed to cancel the order of the Court and may in like manner be made an order of the Court.

DIVISION I REGULATION OF OPERATIONS

Regulations

Regulatory power of Governor in council

149. (1) Subject to section 7, the Governor in Council may, for the purposes of safety and the protection of the environment as well as for the production and conservation of petroleum resources, make regulations

(a) defining "oil" and "gas" for the purposes of Divisions I and II, "installation" and "equipment" for the purposes of sections 139.1 and 139.2 and "serious" for the purposes of section 165;

(b) concerning the exploration and drilling for, and the production, processing and transportation of, petroleum and works and activities related to such exploration, drilling, production, processing and transportation;

(c) authorizing the Board, or any person, to make such orders as may be specified in the regulations, and to exercise such powers and perform such duties as may be necessary for

(i) the management and control of petroleum production,

(ii) the removal of petroleum from the offshore area, and

(iii) the design, construction, operation or abandonment of pipeline within the offshore area;

(d) concerning arbitration for the purposes of subsection 138.1(2), including the costs of or incurred in relation to such arbitrations;

(e) concerning the approvals to be granted as conditions of authorizations issued under paragraph 138(1)(b);

(f) concerning certificates for the purposes of section 139.2;

(g) prohibiting the introduction into the environment of substances, classes of substances and forms of energy, in prescribed circumstances;

(h) authorizing the discharge, emission or escape of petroleum for the purposes of subsection 160(1) in such quantities, at such locations, under such conditions and by such persons as may be specified in the regulations; and

(i) prescribing anything that is required to be prescribed for the purposes of this Part.

Incorporation of standards or specifications

(2) Unless otherwise provided in this Part, regulations made under subsection (1) may incorporate by reference the standards or specifications of any government, person or organization, either as of a fixed time or as amended from time to time.

1987, c. 3, s. 149; 1992, c. 35, s. 63.

Publication of proposed regulations

150. (1) Subject to subsection (2), a copy of each regulation that the Governor in Council proposes to make under this Division shall be published in the *Canada Gazette* and a reasonable opportunity shall be afforded to interested persons to make representations to the Federal Minister with respect thereto.

Single publication required

(2) No proposed regulation need be published more than once under subsection (1) whether or not it is altered or amended after such publication as a result of representations made by interested persons as provided in that subsection.

1987, c. 3, s. 150; 1994, c. 26, s. 14(F).

Equivalent standards and exemptions

151. (1) Subject to subsection (2), the Chief Safety Officer and Chief Conservation Officer may

(a) authorize the use of equipment, methods, measures or standards in lieu of any required by regulation, where those Officers are satisfied that the use of that other equipment and those other methods, measures or standards would provide a level of safety, protection of the environment and conservation equivalent to that provided by compliance with the regulations; or

(b) grant an exemption from any regulatory requirement in respect of equipment, methods, measures or standards, where those Officers are satisfied with the level of safety, protection of the environment and conservation that will be achieved without compliance with that requirement.

One officer authorizations

(2) The Chief Safety Officer alone may exercise the powers referred to in paragraph (1)(a) or (b) if the regulatory requirement referred to in that paragraph does not relate to protection of the environment or conservation, and the Chief Conservation Officer alone may exercise those powers if the regulatory requirement does not relate to safety.

No contravention

(3) No person contravenes the regulations if that person acts in compliance with an authorization or exemption under subsection (1) or (2).

1987, c. 3, s. 151; 1992, c. 35, s. 64.

Guidelines and interpretation notes

151.1 (1) The Board may issue and publish, in such manner as the Board deems appropriate, guidelines and interpretation notes with respect to the application and administration of sections 45, 138 and 139 or any regulations made under section 149.

Deemed not to be statutory instruments

(2) Guidelines and interpretation notes issued pursuant to subsection (1) shall be deemed not to be statutory instruments for the purposes of the *Statutory Instruments Act*.

1987, c. 3, s. 151.1; 1992, c. 35, s. 65.

Definitions

152. (1) In this section,

"marine installation or structure" «*ouvrage en mer*»

"marine installation or structure" includes

(a) any ship, offshore drilling unit, production platform, subsea installation, pumping station, living accommodation, storage structure, loading or landing platform, and

(b) any other work or work within a class of works prescribed pursuant to paragraph (5)(a),

but does not include any vessel that provides any supply or support services to a ship, installation, structure or work described in paragraph (a) or (b);

"Newfoundland social legislation" «*lois sociales*»

"Newfoundland social legislation" means *The Boiler, Pressure Vessel and Compressed Gas Act*, Chapter 12 of the Statutes of Newfoundland, 1981, as amended from time to time, *The Elevators Act*, Chapter 107 of the Revised Statutes of Newfoundland, 1970, as amended from time to time, *The Labour Standards Act*, Chapter 52 of the Statutes of Newfoundland, 1977, as amended from time to time, *The Occupational Health and Safety Act*, Chapter 23 of the Statutes of Newfoundland, 1978, as amended from time to time, *The Radiation Health and Safety Act*, Chapter 90 of the Statutes of Newfoundland, 1977, as amended from time to time, *The Workers' Compensation Act, 1983*, Chapter 48 of the Statutes of Newfoundland, 1983, as amended from time to time and any other Act of the Legislature of the Province, as amended from time to time, as may be prescribed.

Application of Newfoundland social legislation

(2) The Newfoundland social legislation and any regulations made thereunder apply on any marine installation or structure that is within the offshore area in connection with the exploration or drilling for or the production, conservation or processing of petroleum within the offshore area.

Exemption

(3) Notwithstanding subsection (2), any provision of any Act or regulation referred to in that subsection that is made in relation to a matter in respect of which a regulation may be made under paragraph 149(1)(d), (m), (o) or (p) of this Act as it read before the coming into force of section 66 of *An Act to amend the Oil and Gas Production and Conservation Act and other Acts in consequence thereof*, or under any provision of this Act respecting occupational health or safety does not apply on marine installations or structures referred to in subsection (2) during such time as those installations or structures are within the offshore area in connection with a purpose referred to in that subsection.

Non-application of certain provisions of the *Canada Labour Code*

(4) Notwithstanding subsection 123(1) of the *Canada Labour Code* or any other Act of Parliament

(a) Parts II and III of the *Canada Labour Code* do not apply on any marine installation or structure referred to in subsection (2), and

(b) in respect of any marine installation or structure referred to in subsection (2) that is within the offshore area for the purpose of becoming, or that is, permanently attached to, permanently anchored to or permanently resting on the seabed or subsoil of the submarine areas of the offshore area,

(i) Part I of the *Canada Labour Code* does not apply, and

(ii) *The Labour Relations Act, 1977*, Chapter 64 of the Statutes of Newfoundland, 1977, as amended from time to time, applies

during such time as the marine installation or structure is within the offshore area in connection with a purpose referred to in that subsection.

Regulations

(5) Subject to section 7, the Governor in Council may make regulations

(a) prescribing a work or a class of works for the purpose of the definition "marine installation or structure" in subsection (1); and

(b) prescribing, for the purpose of subsection (2), any Act of the legislature of the Province or excluding any such Act from the application of that subsection.

1987, c. 3, s. 152; 1988, c. 28, s. 261; 1992, c. 35, s. 66; 1999, c. 31, s. 29.

Production Orders

Production orders

153. (1) Where the Chief Conservation Officer, on reasonable grounds, is of the opinion that, with respect to an interest in any portion of the offshore area, the capability exists to commence, continue or increase production of petroleum and that a production order would stop waste, the Chief Conservation Officer may order the commencement, continuation or increase of production of petroleum at such rates and in such quantities as are specified in the order.

Ceasing production

(2) Where the Chief Conservation Officer, on reasonable grounds, is of the opinion that an order under this section would stop waste, the Chief Conservation Officer may order a decrease or the cessation or suspension of production of petroleum for any period specified in the order.

Investigation and appeal

(3) Subsections 155(2) to (4) and section 157 apply, with such modifications as the circumstances require, to an order under subsection (1) or (2) as if it were an order under subsection 155(1).

Access to files and records

(4) A person subject to an order under subsection (1) or (2) shall, on request, afford the Chief Conservation Officer or a person designated by the Chief Conservation Officer access to premises, files and records for all reasonable purposes related to the order.

1987, c. 3, s. 153; 1992, c. 35, s. 67.

Waste

Waste prohibited

154. (1) Subject to subsection 194(5), any person who commits waste is guilty of an offence under this Division, but a prosecution may be instituted for such an offence only with the consent of the Board.

Definition of "waste"

(2) In this Part, "waste", in addition to its ordinary meaning, means waste as understood in the petroleum industry and in particular, but without limiting the generality of the foregoing, includes

- (a) the inefficient or excessive use or dissipation of reservoir energy;
- (b) the locating, spacing or drilling of a well within a field or pool or within part of a field or pool or the operating of any well that, having regard to sound engineering and economic principles, results or tends to result in a reduction in the quantity of petroleum ultimately recoverable from a pool;
- (c) the drilling, equipping, completing, operating or producing of any well in a manner that causes or is likely to cause the unnecessary or excessive loss or destruction of petroleum after removal from the reservoir;
- (d) the inefficient storage of petroleum above ground or underground;
- (e) the production of petroleum in excess of available storage, transportation or marketing facilities;
- (f) the escape or flaring of gas that could be economically recovered and processed or economically injected into an underground reservoir; or
- (g) the failure to use suitable artificial, secondary or supplementary recovery methods in a pool when it appears that such methods would result in increasing the quantity of petroleum ultimately recoverable under sound engineering and economic principles.

Prevention of waste

155. (1) Where the Chief Conservation Officer on reasonable grounds is of the opinion that waste, other than waste as defined in paragraph 154(2)(f) or (g), is being committed, the Chief Conservation Officer may, subject to subsection (2), order that all operations giving rise to such waste cease until the Chief Conservation Officer is satisfied that the waste has stopped.

Investigation

(2) Before making any order under subsection (1), the Chief Conservation Officer shall hold an investigation at which interested persons shall be given an opportunity to be heard.

Peremptory

(3) Notwithstanding subsection (2), the Chief Conservation Officer may, without an investigation, make an order under this section requiring all operations to be shut down if in the opinion of the Chief Conservation Officer it is necessary to do so to prevent damage to persons or property or to protect the environment, but as soon as possible after making any such order and in any event within fifteen days thereafter, the Chief Conservation Officer shall hold an investigation at which interested persons shall be given an opportunity to be heard.

Order after inquiry

(4) At the conclusion of an investigation under subsection (3), the Chief Conservation Officer may set aside, vary or confirm the order made or make a new order.

1987, c. 3, s. 155; 1992, c. 35, s. 68.

Taking over

156. (1) For the purpose of giving effect to an order made under section 155,

- management the Chief Conservation Officer may authorize such persons as may be necessary to enter the place where the operations giving rise to the waste are being carried out and take over the management and control of those operations and any works connected therewith.
- Controlling operations and costs thereof (2) A person authorized under subsection (1) to take over the management and control of operations shall manage and control those operations and do all things necessary to stop the waste, and the cost thereof shall be borne by the person who holds the permit or the lease and, until paid, constitutes a debt recoverable by action in any court of competent jurisdiction as a debt due to the Board.
- 1987, c. 3, s. 156; 1992, c. 35, s. 69(F).
- Appeal to Committee **157.** (1) A person aggrieved by an order of the Chief Conservation Officer after an investigation under section 155 may appeal to the Committee to have the order reviewed.
- Powers on appeal (2) After hearing the appeal, the Committee may
- (a) set aside, confirm or vary the order made by the Chief Conservation Officer;
- (b) order such works to be undertaken as may be considered necessary to prevent waste, the escape of petroleum or any other contravention of this Division or the regulations; or
- (c) make such other or further order as the Committee considers appropriate.
- 1987, c. 3, s. 157; 1992, c. 35, s. 70(F).
- Waste by failure to utilize gas or to use appropriate recovery methods **158.** (1) When the Chief Conservation Officer on reasonable grounds is of the opinion that waste as defined in paragraph 154(2)(f) or (g) is occurring in the recovery of petroleum from a pool, the Chief Conservation Officer may apply to the Committee for an order requiring the operators within the pool to show cause at a hearing to be held on a day specified in the order why the Committee should not make a direction in respect thereof.
- Hearing (2) On the day specified in the order under subsection (1), the Committee shall hold a hearing at which the Chief Conservation Officer, the operators and other interested persons shall be given an opportunity to be heard.
- 1987, c. 3, s. 158; 1992, c. 35, s. 71(F).
- Order **159.** (1) If, after the hearing mentioned in section 158, the Committee is of the opinion that waste as defined in paragraph 154(2)(f) or (g) is occurring in the recovery of petroleum from a pool, the Committee may, by order,
- (a) direct the introduction of a scheme for the collection, processing, disposition or reinjection of any gas produced from such pool, or
- (b) direct repressurizing, recycling or pressure maintenance for the pool or any part of the pool and for, or incidental to such purpose, direct the introduction or injection into that pool, or part thereof, of gas, water or other substance,
- and the order may further direct that the pool or part thereof specified in the order be shut in if the requirements of the order are not met or unless a scheme is approved by the Committee and in operation by a date fixed by the order.

Continuation pending

approval of scheme

(2) Notwithstanding subsection (1), the Committee may permit the continued operation of a pool or any part of a pool after the date fixed by an order under subsection (1) if in the opinion of the Committee a scheme for the repressurizing, recycling or pressure maintenance or the processing, storage or disposal of gas is in course of preparation, but any such continuation of operations is subject to any conditions imposed by the Committee.

Spills and Debris

Definition of "spill"

160. (1) In sections 161 to 165, "spill" means a discharge, emission or escape of petroleum, other than one that is authorized under the regulations or any other federal law or that constitutes a discharge from a ship to which Part XV of the *Canada Shipping Act* or Part 6 of the *Marine Liability Act* applies.

Definition of "debris"

(2) In sections 162 and 165, "debris" means any installation or structure that was put in place in the course of any work or activity required to be authorized under paragraph 138(1)(b) and that has been abandoned without such authorization as may be required by or pursuant to this Part, or any material that has broken away or been jettisoned or displaced in the course of any such work or activity.

Definition of "actual loss or damage"

(3) In section 162, "actual loss or damage" includes loss of income, including future income, and, with respect to any aboriginal peoples of Canada, includes loss of hunting, fishing and gathering opportunities.

Immunity

(4) Her Majesty in right of Canada incurs no liability whatever to any person arising out of the authorization by regulations made by the Governor in Council of any discharge, emission or escape of petroleum.

1987, c. 3, s. 160; 1992, c. 35, s. 73; 2001, c. 6, s. 110.

Spills prohibited

161. (1) No person shall cause or permit a spill on or from any portion of the offshore area.

Duty to report spills

(2) Where a spill occurs in any portion of the offshore area, any person who at the time of the spill is carrying on any work or activity related to the exploration for or development or production of petroleum in the area of the spill shall, in the manner prescribed by the regulations, report the spill to the Chief Conservation Officer.

Duty to take reasonable measures

(3) Every person required to report a spill under subsection (2) shall, as soon as possible, take all reasonable measures consistent with safety and the protection of the environment to prevent any further spill, to repair or remedy any condition resulting from the spill and to reduce or mitigate any danger to life, health, property or the environment that results or may reasonably be expected to result from the spill.

Taking emergency action

(4) Where the Chief Conservation Officer is satisfied on reasonable grounds that

(a) a spill has occurred in any portion of the offshore area and immediate action is necessary in order to effect any reasonable measures referred to in subsection (3), and

(b) such action is not being taken or will not be taken under subsection (3),

the Chief Conservation Officer may take such action or direct that it be taken by such persons as may be necessary.

Taking over
management

(5) For the purposes of subsection (4), the Chief Conservation Officer may authorize and direct such persons as may be necessary to enter the place where the spill has occurred and take over the management and control of any work or activity being carried on in the area of the spill.

Managing work or
activity

(6) A person authorized and directed to take over the management and control of any work or activity under subsection (5) shall manage and control that work or activity and take all reasonable measures in relation to the spill that are referred to in subsection (3).

Costs

(7) Any costs incurred under subsection (6) shall be borne by the person who obtained an authorization under paragraph 138(1)(b) in respect of the work or activity from which the spill emanated and, until paid, constitute a debt recoverable by action in any court of competent jurisdiction as a debt due to the Board.

Recovery of costs

(7.1) Where a person, other than a person referred to in subsection (7), takes action pursuant to subsection (3) or (4), the person may recover from Her Majesty in right of Canada the costs and expenses reasonably incurred by that person in taking the action.

Appeal

(8) Section 157 applies, with such modifications as the circumstances require, to any action or measure taken or authorized or directed to be taken under subsections (4) to (6) as if it were taken or authorized or directed to be taken by order under subsection 155(1) and as if such order were not subject to an investigation.

Personal liability

(9) No person required, directed or authorized to act under this section is personally liable either civilly or criminally in respect of any act or omission in the course of complying with this section unless it is shown that that person did not act reasonably in the circumstances.

1987, c. 3, s. 161; 1992, c. 35, s. 74.

Recovery of loss,
damage, costs or
expenses

162. (1) Where any discharge, emission or escape of petroleum that is authorized by regulation, or any spill, occurs in any portion of the offshore area,

(a) the person who is required to obtain an authorization under paragraph 138(1)(b) in respect of the work or activity from which the spill or authorized discharge, emission or escape of petroleum emanated is liable, without proof of fault or negligence, up to any prescribed limit of liability, for

(i) all actual loss or damage incurred by any person as a result of the spill or the authorized discharge, emission or escape of petroleum, and

(ii) the costs and expenses reasonably incurred by the Board or Her Majesty in right of Canada or the Province or any other person in taking any action or measure in relation to the spill or the authorized discharge, emission or escape of petroleum; and

(b) all persons to whose fault or negligence the spill or the authorized discharge, emission or escape of petroleum is attributable or who are by law responsible for others to whose fault or negligence the spill or the authorized discharge, emission or escape of petroleum is attributable are jointly and severally liable, to the extent determined according to the degree of the fault or negligence proved against them, for all actual loss or damage incurred by any person as a result of the spill or the authorized discharge, emission or escape of petroleum.

Recovery of loss, damage, costs or expenses caused by debris

(2) Where any person incurs actual loss or damage as a result of debris or the Board or Her Majesty in right of Canada or the Province reasonably incurs any costs or expenses in taking any remedial action in relation to debris,

(a) the person who is required to obtain an authorization under paragraph 138(1)(b) in respect of the work or activity from which the debris originated is liable, without proof of fault or negligence, up to any prescribed limit of liability, for all such actual loss or damage and all such costs or expenses; and

(b) all persons to whose fault or negligence the debris is attributable or who are by law responsible for others to whose fault or negligence the debris is attributable are jointly and severally liable, to the extent determined according to the degree of the fault or negligence proved against them, for all such actual loss or damage and all such costs or expenses.

No double liability

(2.1) Where subsection (1) or (2) applies, no person is liable for more than the greater of the prescribed limit referred to in paragraph (1)(a) or (2)(a), as the case may be, and the amount for which the person would be liable under any other law for the same occurrence.

Claims

(3) All claims under this section may be sued for and recovered in any court of competent jurisdiction in Canada and shall rank firstly in favour of persons incurring actual loss or damage, without preference, and secondly, without preference, to meet any costs and expenses described in subsection (1) or (2).

Saving

(4) Nothing in this section suspends or limits

(a) any legal liability or remedy for an act or omission by reason only that the act or omission is an offence under this Division or gives rise to liability under this section;

(b) any recourse, indemnity or relief available at law to a person who is liable under this section against any other person; or

(c) the operation of any applicable law or rule of law that is not inconsistent with this section.

Limitation period

(5) Proceedings in respect of claims under this section may be instituted within three years after the day when the loss, damage costs or expenses occurred but in no case after six years after the day the spill or the discharge, emission or escape of petroleum occurred or, in the case of debris, after the day the installation or structure in question was abandoned or the material in question broke away or was jettisoned or displaced.

1987, c. 3, s. 162; 1992, c. 35, s. 75.

Financial responsibility

163. (1) An applicant for an authorization under paragraph 138(1)(b) in respect of any work or activity in any portion of the offshore area shall provide proof of financial responsibility in the form of a letter of credit, a guarantee or indemnity bond or in any other form satisfactory to the Board, in an amount satisfactory to the Board.

Continuing obligation

(1.1) The person who has obtained an authorization under paragraph 138(1)(b) shall ensure that the proof of financial responsibility remains in force for the duration of the work or activity in respect of which the authorization is issued.

Payment of claims

(2) The Board may require that moneys in an amount not exceeding the amount

prescribed for any case or class of cases, or determined by the Board in the absence of regulations, be paid out of the funds available under the letter of credit, guarantee or indemnity bond or other form of financial responsibility provided pursuant to subsection (1), in respect of any claim for which proceedings may be instituted under section 162, whether or not such proceedings have been instituted.

Manner of payment

(3) Where payment is required under subsection (2), it shall be made in such manner, subject to such conditions and procedures and to or for the benefit of such persons or classes of persons as may be prescribed by the regulations for any case or class of cases, or as may be required by the Board in the absence of regulations.

Deduction

(4) Where a claim is sued for under section 162, there shall be deducted from any award made pursuant to the action on that claim any amount received by the claimant under this section in respect of the loss, damage, costs or expenses claimed.

1987, c. 3, s. 163; 1992, c. 35, s. 76.

Review committee

164. (1) A committee, consisting of members appointed by each government and by representatives of the petroleum industry and of the fisheries industry, is established by the joint operation of this Act and the Provincial Act to review and monitor the application of sections 162 and 163 and any claims and the payment thereof made under those sections.

Dissolution of committee

(2) The committee referred to in subsection (1) may be dissolved only by the joint operation of an Act of Parliament and an Act of the Legislature of the Province.

Promotion of compensation policies

(3) The Board shall promote and monitor compensation policies for fishermen sponsored by the fishing industry respecting damages of a non-attributable nature.

Inquiries

Inquiries

165. (1) Where a spill or debris or an accident or incident related to any activity to which this Division applies occurs or is found in any portion of the offshore area and results in death or injury or danger to public safety or the environment, the Board may direct an inquiry to be made and may authorize any person it deems qualified to conduct the inquiry.

Mandatory inquiry

(1.1) Where a spill or debris or an accident or incident related to any activity to which this Division applies occurs or is found in any portion of the offshore area and is serious, as defined by regulation, the Board shall direct that an inquiry referred to in subsection (1) be made and shall ensure that the person who conducts the inquiry is not employed by the Board.

Power of person conducting inquiry

(2) For the purposes of an inquiry under subsection (1), a person authorized by the Board under that subsection has and may exercise all the powers of a person appointed as a commissioner under Part I of the *Inquiries Act*.

Report

(3) As soon as possible after the conclusion of an inquiry under subsection (1), the person or persons authorized to conduct the inquiry shall submit a report to the Board, together with the evidence and other material that was before the inquiry.

Publication

(4) A report made pursuant to subsection (3) shall be published by the Board within thirty days after the Board has received it.

Copies of report

(5) The Board may supply copies of a report published pursuant to subsection (4) in such manner and on such terms as the Board considers proper.

1987, c. 3, s. 165; 1992, c. 35, s. 77.

DIVISION II PRODUCTION ARRANGEMENTS

Definitions

"pooled spacing unit"
«*unité d'espacement
mise en commun*»

166. In this Division,

"pooled spacing unit" means the area that is subject to a pooling agreement or a pooling order;

"pooled tract"
«*parcelle mise en
commun*»

"pooled tract" means the portion of a pooled spacing unit defined as a tract in a pooling agreement or a pooling order;

"pooling agreement"
«*accord de mise en
commun*»

"pooling agreement" means an agreement to pool the interests of owners in a spacing unit and to provide for the operation or the drilling and operation of a well thereon;

"pooling order" «*arrêté
de mise en commun*»

"pooling order" means an order made under section 168 or as altered pursuant to section 170;

"royalty interest" «*droit
à redevance*»

"royalty interest" means any interest in, or the right to receive a portion of, any petroleum produced and saved from a field or pool or part of a field or pool or the proceeds from the sale thereof, but does not include a working interest or the interest of any person whose sole interest is as a purchaser of petroleum from the pool or part thereof;

"royalty owner"
«*titulaire de
redevance*»

"royalty owner" means a person, including Her Majesty, who owns a royalty interest;

"spacing unit" «*unité
d'espacement*»

"spacing unit" means the area allocated to a well for the purpose of drilling for or producing petroleum;

"tract participation"
«*fraction parcellaire*»

"tract participation" means the share of production from a unitized zone that is allocated to a unit tract under a unit agreement or unitization order or the share of production from a pooled spacing unit that is allocated to a pooled tract under a pooling agreement or pooling order;

"unit agreement"
«*accord d'union*»

"unit agreement" means an agreement to unitize the interests of owners in a pool or part thereof exceeding in area a spacing unit, or such an agreement as varied by a unitization order;

"unit area" «*secteur
unitaire*»

"unit area" means the area that is subject to a unit agreement;

"unit operating
agreement" «*accord
d'exploitation unitaire*»

"unit operating agreement" means an agreement, providing for the management and operation of a unit area and a unitized zone, that is entered into by working interest owners who are parties to a unit agreement with respect to that unit area and unitized zone, and includes a unit operating agreement as varied by a unitization order;

"unit operation"
«*exploitation unitaire*»

"unit operation" means those operations conducted pursuant to a unit agreement or a unitization order;

"unit operator"
«*exploitant unitaire*»

"unit operator" means a person designated as a unit operator under a unit operating agreement;

"unit tract" «*parcelle
unitaire*»

"unit tract" means the portion of a unit area that is defined as a tract in a unit agreement;

"unitization order"

«arrêté d'union»	"unitization order" means an order of the Committee made under section 176;
"unitized zone" «terrain»	"unitized zone" means a geological formation that is within a unit area and subject to a unit agreement;
"working interest" «intérêt économique direct»	"working interest" means a right, in whole or in part, to produce and dispose of petroleum from a pool or part of a pool, whether such right is held as an incident of ownership of an estate in fee simple in the petroleum or under a lease, agreement or other instrument, if the right is chargeable with and the holder thereof is obligated to pay or bear, either in cash or out of production, all or a portion of the costs in connection with the drilling for, recovery and disposal of petroleum from the pool or part thereof;
"working interest owner" «détenteur»	"working interest owner" means a person who owns a working interest. 1987, c. 3, s. 166; 1992, c. 35, s. 78(F).

Pooling

Voluntary pooling	167. (1) Where one or more working interest owners have leases or separately owned working interests within a spacing unit, the working interest owners and the royalty owners who own all of the interests in the spacing unit may pool their working interests and royalty interests in the spacing unit for the purpose of drilling for or producing, or both drilling for and producing, petroleum if a copy of the pooling agreement and any amendment thereto has been filed with the Chief Conservation Officer.
Pooling agreement by Her Majesty	(2) The Board may, on behalf of Her Majesty, enter into a pooling agreement on any terms and conditions that it deems advisable and, despite anything in Part II or this Part, the <i>Federal Real Property and Federal Immovables Act</i> or any regulations made under those Parts or that Act, the pooling agreement is binding on Her Majesty. 1987, c. 3, s. 167; 1991, c. 50, s. 23; 2001, c. 4, s. 151.
Application for pooling order	168. (1) In the absence of a pooling agreement, a working interest owner in a spacing unit may apply for a pooling order directing the working interest owners and royalty owners within the spacing unit to pool their interests in the spacing unit for the purpose of drilling for and producing, or producing, petroleum from the spacing unit.
Hearing by Committee	(2) An application under subsection (1) shall be made to the Board which shall refer the application to the Committee for the purpose of holding a hearing to determine whether a pooling order should be made and at such hearing the Committee shall afford all interested parties an opportunity to be heard.
Matter to be supplied Committee on hearing	(3) Prior to a hearing held pursuant to subsection (2), the working interest owner making application shall provide the Committee, and such other interested parties as the Committee may direct, with a proposed form of pooling agreement and the working interest owners who have interests in the spacing unit to which the proposed pooling agreement relates shall provide the Committee with such information as the Committee deems necessary.
Order of Committee	(4) After a hearing pursuant to subsection (2), the Committee may order that all working interest owners and royalty owners who have an interest in the spacing unit shall be deemed to have entered into a pooling agreement as set out in the pooling order.
Contents of pooling	(5) Every pooling order shall provide

order

(a) for the drilling and operation of a well on the spacing unit or, where a well that is capable of or that can be made capable of production has been drilled on the spacing unit before the making of the pooling order, for the future production and operation of that well;

(b) for the appointment of a working interest owner as operator to be responsible for the drilling, operation or abandoning of the well whether drilled before or after the making of the pooling order;

(c) for the allocation to each pooled tract of its share of the production of the petroleum from the pooled spacing unit that is not required, consumed or lost in the operation of the well, which allocation shall be on a prorated area basis unless it can be shown to the satisfaction of the Committee that such basis is unfair, whereupon the Committee may make an allocation on some other more equitable basis;

(d) in the event that no production of petroleum is obtained for the payment by the applicant of all costs incurred in the drilling and abandoning of the well;

(e) where production has been obtained, for the payment of the actual costs of drilling the well, whether drilled before or after the making of the pooling order, and for the payment of the actual costs of the completion, operation and abandoning of the well; and

(f) for the sale by the operator of petroleum allocated pursuant to paragraph (c) to a working interest owner where the working interest owner thereof fails to take in kind and dispose of such production, and for the deduction out of the proceeds by the operator of the expenses reasonably incurred in connection with such sale.

Provision of penalty

(6) A pooling order may provide for a penalty for a working interest owner who does not, within the time specified in the order, pay the portion of the costs attributable to the working interest owner as the share of the cost of drilling and completion of the well, but such penalty shall not exceed an amount equal to one-half of that working interest owner's share of such costs.

Recovery of costs and penalty

(7) If a working interest owner does not, within the time specified therefor in the pooling order, pay the share of the costs of the drilling, completing, operating and abandoning of the well, that portion of the costs and the penalty, if any, are recoverable only out of the share of production from the spacing unit and not in any other manner.

Effect of pooling order

169. Where a pooling order is made, all working interest owners and royalty owners having interests in the pooled spacing unit shall, on the making of the pooling order, be deemed to have entered into a pooling agreement as set out in the pooling order and that order shall be deemed to be a valid contract between the parties having interests in the pooled spacing unit, and all its terms and provisions, as set out therein or as altered pursuant to section 170, are binding on and enforceable against the parties thereto, including Her Majesty.

Application to alter pooling order

170. (1) The Committee shall hear any application to vary, amend or terminate a pooling order where such application is made by the owners of over twenty-five per cent of the working interests in the pooled spacing unit, calculated on a prorated area basis, and may, in its discretion, order a hearing on the application of any working interest owner or royalty owner.

Alteration of pooling order

(2) After a hearing held pursuant to subsection (1), the Committee may vary or

amend the pooling order to supply any deficiency therein or to meet changing conditions and may vary or revoke any provision that the Committee deems to be unfair or inequitable or it may terminate the pooling order.

Tract participation ratios protected

(3) Where a pooling order is varied or amended, no change shall be made that will alter the ratios of tract participations between the pooled tracts as originally set out in the pooling order.

Prohibition

171. (1) No person shall produce any petroleum within a spacing unit in which there are two or more leases or two or more separately owned working interests unless a pooling agreement has been entered into in accordance with section 167 or in accordance with a pooling order made under section 168.

Saving

(2) Subsection (1) does not prohibit the production of petroleum for testing in any quantities approved by the Chief Conservation Officer.

Unitization

Unit operation

172. (1) Any one or more working interest owners in a pool or part thereof exceeding in area a spacing unit, together with the royalty owners, may enter into a unit agreement and operate their interests pursuant to the terms of the unit agreement or any amendment thereto if a copy of the agreement and any amendment has been filed with the Chief Conservation Officer.

Board may enter into unit agreement

(2) The Board may enter into a unit agreement binding on Her Majesty, on any terms and conditions that it may deem advisable, and any of the regulations under Part II or this Part or the *Federal Real Property and Federal Immovables Act* that may be in conflict with the terms and conditions of the unit agreement stand varied or suspended to the extent necessary to give full effect to the terms and conditions of the unit agreement.

Unit operator's relationship to parties

(3) Where a unit agreement filed under this section provides that a unit operator shall be the agent of the parties thereto with respect to their powers and responsibilities under this Part, the performance or non-performance thereof by the unit operator shall be deemed to be the performance or non-performance by the parties otherwise having those powers and responsibilities under this Part.

1987, c. 3, s. 172; 1991, c. 50, s. 24; 2001, c. 4, s. 152.

Requiring unitization to prevent waste

173. (1) Notwithstanding anything in this Part, where, in the opinion of the Chief Conservation Officer, the unit operation of a pool or part thereof would prevent waste, the Chief Conservation Officer may apply to the Committee for an order requiring the working interest owners in the pool or part thereof to enter into a unit agreement and a unit operating agreement in respect of the pool or part thereof, as the case may be.

Hearing

(2) Where an application is made by the Chief Conservation Officer pursuant to subsection (1), the Committee shall hold a hearing at which all interested persons shall be afforded an opportunity to be heard.

Order

(3) If, after the hearing mentioned in subsection (2), the Committee is of the opinion that unit operation of a pool or part thereof would prevent waste, the Committee may by order require the working interest owners in the pool or part thereof to enter into a unit agreement and a unit operating agreement in respect of the pool or part thereof.

Cessation of operations

(4) If, in the time specified in the order referred to in subsection (3), being not less than six months after the date of the making of the order, the working interest owners and royalty owners fail to enter into a unit agreement and a unit operating agreement approved by the Committee, all drilling and producing operations within

the pool or part thereof in respect of which the order was made shall cease until such time as a unit agreement and a unit operating agreement have been approved by the Committee and filed with the Chief Conservation Officer.

Permit to continue operations

(5) Notwithstanding subsection (4), the Committee may permit the continued operation of the pool or part thereof after the time specified in the order referred to in subsection (3) if it is of the opinion that a unit agreement and unit operating agreement are in the course of being entered into, but any such continuation of operations shall be subject to any conditions prescribed by the Committee.

Compulsory Unitization

Who may apply for unitization order

174. (1) One or more working interest owners who are parties to a unit agreement and a unit operating agreement and own in the aggregate sixty-five per cent or more of the working interests in a unit area may apply for a unitization order with respect to the agreements.

Application for unitization order

(2) An application under subsection (1) shall be made to the Board which shall refer the application to the Committee for the purpose of holding a hearing thereon in accordance with section 176.

Application by proposed unit operator

(3) An application under subsection (1) may be made by the unit operator or proposed unit operator on behalf of the working interest owners referred to in subsection (1).

Contents of unitization application

175. (1) An application for a unitization order shall contain

- (a) a plan showing the unit area that the applicant desires to be made subject to the order;
- (b) one copy each of the unit agreement and the unit operating agreement;
- (c) a statement of the nature of the operations to be carried out; and
- (d) a statement showing
 - (i) with respect to each proposed unit tract, the names and addresses of the working interest owners and royalty owners in that tract, and
 - (ii) the tracts that are entitled to be qualified as unit tracts under the provisions of the unit agreement.

Details required of unit agreement

(2) The unit agreement referred to in subsection (1) shall include

- (a) a description of the unit area and the unit tracts included in the agreement;
- (b) an allocation to each unit tract of a share of the production from the unitized zone not required, consumed or lost in the unit operation;
- (c) a provision specifying the manner in which and the circumstances under which the unit operation shall terminate; and
- (d) a provision specifying that the share of the production from a unit area that has been allocated to a unit tract shall be deemed to have been produced from that unit tract.

Details required of unit

(3) The unit operating agreement referred to in subsection (1) shall make

operating agreement

provision

(a) for the contribution or transfer to the unit, and any adjustment among the working interest owners, of the investment in wells and equipment within the unit area;

(b) for the charging of the costs and expenses of the unit operation to the working interest owners;

(c) for the supervision of the unit operation by the working interest owners through an operating committee composed of their duly authorized representatives and for the appointment of a unit operator to be responsible, under the direction and supervision of the operating committee, for the carrying out of the unit operation;

(d) for the determination of the percentage value of the vote of each working interest owner; and

(e) for the determination of the method of voting on any motion before the operating committee and the percentage value of the vote required to carry the motion.

Hearing on application

176. (1) Where an application made under section 174 is referred by the Board to the Committee, the Committee shall hold a hearing thereon at which all interested persons shall be afforded an opportunity to be heard.

Unitization order

(2) If the Committee finds that

(a) at the date of the commencement of a hearing referred to in subsection (1)

(i) the unit agreement and the unit operating agreement have been executed by one or more working interest owners who own in the aggregate sixty-five per cent or more of the total working interests in the unit area, and

(ii) the unit agreement has been executed by one or more royalty owners who own in the aggregate sixty-five per cent or more of the total royalty interests in the unit area, and

(b) the unitization order applied for would accomplish the more efficient or more economical production of petroleum from the unitized zone,

the Committee may order

(c) that the unit agreement be a valid contract enuring to the benefit of all the royalty owners and working interest owners in the unit area and binding on and enforceable against all such owners, and

(d) that the unit operating agreement be a valid contract enuring to the benefit of all the working interest owners in the unit area and binding on and enforceable against all such owners,

and, subject to section 177, the unit agreement and the unit operating agreement have the effect given them by the order of the Committee.

Variation by
unitization order

(3) In a unitization order, the Committee may vary the unit agreement or the unit operating agreement by adding provisions or by deleting or amending any

provision thereof.

Effective date of
unitization order

177. (1) Subject to subsection (2), a unitization order becomes effective on the day that the Committee determines in the order, but that day shall be not less than thirty days after the day on which the order is made.

Effective date when
unit agreement or unit
operating agreement
varied

(2) Where a unit agreement or unit operating agreement is varied by the Committee in a unitization order, the effective date prescribed in the order shall be a date not less than thirty days following the day the order is made, but the order becomes ineffective if, before the effective date, the applicant files with the Committee a notice withdrawing the application on behalf of the working interest owners or there are filed with the Committee statements in writing objecting to the order and signed

(a) in the case of the unit agreement by

(i) one or more working interest owners who own in the aggregate more than twenty-five per cent of the total working interests in the area and were included within the group owning sixty-five per cent or more of the total working interests as described in subparagraph 176(2)(a)(i), and

(ii) one or more royalty owners who own in the aggregate more than twenty-five per cent of the total royalty interests in the unit area and were included within the group owning sixty-five per cent or more of the total royalty interests as described in subparagraph 176(2)(a)(ii); or

(b) in the case of the unit operating agreement, by one or more working interest owners who own in the aggregate more than twenty-five per cent of the total working interests in the unit area and were included within the group owning sixty-five per cent or more of the total working interests as described in subparagraph 176(2)(a)(i).

Revocation of order

(3) Where a unitization order becomes ineffective under subsection (2), the Committee shall forthwith revoke the order.

1987, c. 3, s. 177; 1992, c. 35, s. 79(E).

Technical defects in
unitization order

178. A unitization order is not invalid by reason only of the absence of notice or of any irregularities in giving notice to any owner in respect of the application for the order or any proceedings leading to the making of the order.

Amending unitization
order

179. (1) A unitization order may be amended upon the application of a working interest owner, but before amending a unitization order the Committee shall hold a hearing at which all interested parties shall have an opportunity to be heard.

Voluntary proposal for
amendment by
owners

(2) If the Committee finds that, at the date of the commencement of a hearing of an application for the amendment of a unitization order, one or more working interest owners who own in the aggregate sixty-five per cent or more of the total working interests and one or more royalty interest owners who own in the aggregate sixty-five per cent or more of the total royalty interests in the unit area have consented to the proposed amendment, the Committee may amend the unitization order in accordance with the amendment proposed.

1987, c. 3, s. 179; 1994, c. 26, s. 15(F).

Protection of tract
participation ratios

180. No amendment shall be made under section 179 that will alter the ratios between the tract participations of those tracts that were qualified for inclusion in the unit area before the commencement of the hearing, and, for the purposes of

this section, the tract participations shall be those indicated in the unit agreement when it became subject to a unitization order.

Production prohibited except in accord with unitization order

181. After the date on which a unitization order comes into effect and while the order remains in force, no person shall carry on any operations within the unit area for the purpose of drilling for or producing petroleum from the unitized zone, except in accordance with the provisions of the unit agreement and the unit operating agreement.

How percentages of interests to be determined

182. The percentages of interests referred to in subsections 174(1), 176(2), 177(2) and 179(2) shall be determined

(a) as to royalty interests, on a prorated area basis; and

(b) as to working interests, on the basis of tract participation shown in the unit agreement.

General

Pooled spacing unit included in unit area

183. (1) A pooled spacing unit that has been pooled pursuant to a pooling order and on which a well has been drilled may be included in a unit area as a single unit tract and the Committee may make such amendments to the pooling order as it deems necessary to remove any conflict between the provisions of the pooling order and the provisions of the unit agreement, or the unit operating agreement or the unitization order, if any.

Effect of including pooled spacing unit in unit area

(2) Where a pooled spacing unit is included in a unit area pursuant to subsection (1), the provisions of the unit agreement, the unit operating agreement and the unitization order, if any, prevail over the provisions of the pooling order in the event of a conflict.

Exceptions

(3) Notwithstanding subsection (2),

(a) the share of the unit production that is allocated to the pooled spacing unit shall in turn be allocated to the separately owned tracts in the pooled spacing unit on the same basis and in the same proportion as production actually obtained from the pooled spacing unit would have been shared under the pooling order;

(b) the costs and expenses of the unit operation that are allocated to the pooled spacing unit shall be shared and borne by the owners of the working interests therein on the same basis and in the same proportion as would apply under the pooling order; and

(c) the credits allocated under a unit operating agreement to a pooled spacing unit for adjustment of investment for wells and equipment thereon shall be shared by the owners of the working interests therein in the same proportion as would apply to the sharing of production under the pooling order.

DIVISION III APPEALS AND ADMINISTRATION

Appeals

Orders and decisions final

184. (1) Except as provided in this Division, every decision or order of the Committee is final and conclusive.

Decision or order defined

(2) Any minute or other record of the Committee or any document issued by the Committee, in the form of a decision or order, shall for the purposes of this section be deemed to be a decision or an order of the Committee.

Stated case for Supreme Court of Newfoundland

185. (1) The Committee may of its own motion or at the request of the Board state a case, in writing, for the opinion of the Trial Division of the Supreme Court of Newfoundland on any question that in the opinion of the Committee is a question of law or of the jurisdiction of the Committee.

Proceedings thereon

(2) The Trial Division of the Supreme Court of Newfoundland shall hear and determine the case stated, and remit the matter to the Committee with the opinion of the Court thereon.

Board may review orders of Committee

186. The Board may, at any time, in its discretion, either on petition of any interested person or of its own motion, vary or rescind any decision or order of the Committee made under this Part, whether such order is made between parties or otherwise and any order that the Board makes with respect thereto becomes a decision or order of the Committee and, subject to section 187, is binding on the Committee and on all parties.

Appeal to Supreme Court of Newfoundland

187. (1) An appeal lies from a decision or order of the Committee to the Trial Division of the Supreme Court of Newfoundland on a question of law, on leave therefor being obtained from that Court, in accordance with the practice of that Court, on application made within one month after the making of the decision or order sought to be appealed from or within such further time as that Court may allow.

Staying order

(2) Where leave to appeal is granted pursuant to subsection (1), any order of the Committee in respect of which the appeal is made shall be stayed until the matter of the appeal is determined.

Powers of the Court

(3) After the hearing of the appeal, the Trial Division of the Supreme Court of Newfoundland shall certify its opinion to the Committee and the Committee shall make any order necessary to comply with that opinion.

Order subject to section 186

(4) Any order made by the Committee pursuant to subsection (3), unless that order has already been dealt with by the Board pursuant to section 186, shall be subject to that section.

Safety and Conservation Officers

Officers

188. The safety officers and conservation officers necessary for the administration and enforcement of this Part and the regulations shall be appointed by the Board.

1987, c. 3, s. 188; 1992, c. 35, s. 80.

Powers of officers

189. A safety officer, the Chief Safety Officer, a conservation officer or the Chief Conservation Officer may at any reasonable time

(a) enter any place, including lands, buildings, installations, vessels, vehicles and aircraft, used for any work or activity in respect of which this Part applies, for the purpose of carrying out inspections, examinations, tests or inquiries or of directing that the person in charge of the place carry them out, and the officer may be accompanied by any other person that the officer believes is necessary to help carry out the inspection, examination, test or inquiry;

(b) take photographs or make drawings of any place or thing referred to in this

section;

(c) order that any place or thing referred to in this section not be interfered with for a specified period;

(d) require the production, for inspection or copying, of any books, records, documents, licences or permits required by this Part or the regulations;

(e) take samples or particulars and carry out, or have carried out, any reasonable tests or examinations; and

(f) require the person in charge of the place, or any other person in the place who has knowledge relevant to an inspection, examination, test or inquiry, to furnish information, either orally or in writing, in the form requested.

1987, c. 3, s. 189; 1992, c. 35, s. 80.

Certificate to be produced

190. The Board shall provide every safety officer and conservation officer and the Chief Safety Officer and the Chief Conservation Officer with a certificate of appointment or designation and, on entering any place pursuant to the authority of this Part, the officer shall, if so required, produce the certificate to the person in charge of the place.

1987, c. 3, s. 190; 1992, c. 35, s. 80.

Assistance to officers

191. The owner, the person in charge of any place referred to in section 189 and every person found therein shall give a safety officer, the Chief Safety Officer, a conservation officer or the Chief Conservation Officer, as the case may be, all reasonable assistance to enable the officer to carry out duties and functions under this Part or the regulations.

1987, c. 3, s. 191; 1992, c. 35, s. 80.

Obstruction of officers and making of false statements

192. No person shall obstruct or hinder or make a false or misleading statement, either orally or in writing, to a safety officer, the Chief Safety Officer, a conservation officer or the Chief Conservation Officer who is engaged in carrying out duties and functions under this Part or the regulations.

1987, c. 3, s. 192; 1992, c. 35, s. 80.

Power of safety officer when dangerous operation detected

193. (1) Where a safety officer or the Chief Safety Officer, on reasonable grounds, is of the opinion that continuation of an operation in relation to the exploration or drilling for or the production, conservation, processing or transportation of petroleum in any portion of the offshore area is likely to result in serious bodily injury, the safety officer or Chief Safety Officer, as the case may be, may order that the operation cease or be continued only in accordance with the terms of the order.

Notice

(2) The safety officer or Chief Safety Officer who makes an order under subsection (1) shall affix at or near the scene of the operation a notice of the order in prescribed form.

Expiration of order

(3) An order made by a safety officer under subsection (1) expires seventy-two hours after it is made unless it is confirmed before that time by order of the Chief Safety Officer.

Modification or revocation

(4) A safety officer who makes an order under subsection (1) shall immediately so advise the Chief Safety Officer, and the Chief Safety Officer may modify or

revoke the order.

Reference to
provincial court judge

(5) The person carrying out the operation to which an order under subsection (1) makes reference or any person having a pecuniary interest in that operation may by notice in writing request the Chief Safety Officer to refer it to a provincial court judge for review, and thereupon the Chief Safety Officer shall refer the order to a provincial court judge having jurisdiction in the area closest to that in which the operation is being carried on.

Inquiry by a provincial
court judge

(6) A provincial court judge to whom an order is referred pursuant to this section shall inquire into the need for the order and for that purpose has all the powers of a commissioner under Part I of the *Inquiries Act*.

Burden of proof

(7) Where an order has been referred to a provincial court judge pursuant to this section, the burden of establishing that the order is not needed is on the person who requested that the order be so referred.

Provincial court
judge's decision
conclusive

(8) A provincial court judge to whom an order is referred pursuant to this section may confirm or set aside the order and the decision of the provincial court judge is final and conclusive.

Operations in respect
of which order made

(9) No person shall continue an operation in respect of which an order has been made pursuant to this section, except in accordance with the terms of the order or until the order has been set aside by a provincial court judge pursuant to this section.

1987, c. 3, s. 193; 1992, c. 35, s. 80.

Priority

193.1 An order made by a safety officer or the Chief Safety Officer prevails over an order made by a conservation officer or the Chief Conservation Officer to the extent of any inconsistency between the orders.

1992, c. 35, s. 80.

Installation Manager

Installation manager

193.2 (1) Every holder of an authorization under paragraph 138(1)(b) in respect of a work or activity for which a prescribed installation is to be used shall put in command of the installation a manager who meets any prescribed qualifications, and the installation manager is responsible for the safety of the installation and the persons at it.

Powers

(2) Subject to this Act and any other Act of Parliament, an installation manager has the power to do such things as are required to ensure the safety of the installation and the persons at it, and, more particularly, may

(a) give orders to any person who is at the installation;

(b) order that any person who is at the installation be restrained or removed;
and

(c) obtain any information or documents.

Emergency

(3) In a prescribed emergency situation, an installation manager's powers are extended so that they also apply to each operator of a vessel, vehicle or aircraft that is at the installation or that is leaving or approaching it.

1992, c. 35, s. 80.

Offences and Penalties

Offences

194. (1) Every person is guilty of an offence who

(a) contravenes this Part or the regulations;

(b) knowingly makes any false entry or statement in any report, record or document required by this Part or the regulations or by any order made pursuant to this Part or the regulations;

(c) knowingly destroys, mutilates or falsifies any report or other document required by this Part or the regulations or by any order made pursuant to this Part or the regulations;

(d) produces any petroleum from a pool or field under the terms of a unit agreement within the meaning of Division II, or any amended unit agreement, before the unit agreement or amended unit agreement is filed with the Chief Conservation Officer;

(e) undertakes or carries on a work or activity without an authorization under paragraph 138(1)(b) or without complying with the approvals or requirements of such an authorization; or

(f) fails to comply with a direction, requirement or order of a safety officer, the Chief Safety Officer, a conservation officer, the Chief Conservation Officer or an installation manager or with an order of the Committee.

Punishment

(2) Every person who is guilty of an offence under subsection (1) is liable

(a) on summary conviction, to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding one year, or to both; or

(b) on conviction on indictment, to a fine not exceeding one million dollars or to imprisonment for a term not exceeding five years, or to both.

(3) and (4) [Repealed, 1992, c. 35, s. 81]

Presumption against waste

(5) No person commits an offence under subsection 154(1) by reason of committing waste as defined in paragraph 154(2)(f) or (g) unless that person has been ordered by the Committee to take measures to prevent the waste and has failed to comply.

1987, c. 3, s. 194; 1992, c. 35, s. 81.

195. [Repealed, 1992, c. 35, s. 82]

Order to comply

196. Where a person is guilty of an offence under this Part, a court may, in addition to any other penalty it may impose, order that person to comply with the provisions of the Part, regulation or order for the contravention of which that person has been convicted.

Continuing offences

197. Where an offence under this Part is committed on more than one day or is continued for more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.

198. [Repealed, 1992, c. 35, s. 83]

Time limited for proceedings

199. A prosecution for an offence under this Part may be instituted at any time within two years after the time when the subject-matter of the complaint arose.

Evidence

200. In any prosecution for an offence under this Part, a copy of any order or other document purporting to have been made pursuant to this Part or the regulations and purporting to have been signed by the person authorized by this Part or the regulations to make that order or document is, in the absence of any evidence to the contrary, proof of the matters set out therein.

Jurisdiction of judge or justice

201. Any complaint or information in respect of an offence under this Part may be heard, tried or determined by a justice or judge if the accused is resident or carrying on business within the territorial jurisdiction of that justice or judge although the matter of the complaint or information did not arise in that territorial jurisdiction.

Action to enjoin not prejudiced by prosecution

202. (1) Notwithstanding that a prosecution has been instituted in respect of an offence under this Part, the regulations or any order made pursuant to this Part or the regulations, the Board may commence and maintain an action to enjoin the committing of any contravention of this Part, the regulations or any order made pursuant to this Part or the regulations.

Civil remedy not affected

(2) No civil remedy for any act or omission is suspended or affected by reason that the act or omission is an offence under this Part.

Regulations

Regulations

203. Subject to section 7, the Governor in Council may make such regulations not inconsistent with this Part as may be deemed necessary for carrying out the purposes of this Part, and, without limiting the generality of the foregoing, may make regulations defining and distinguishing more particularly for the purposes of Divisions I and II the expressions "oil" and "gas".

Application

Application

204. This Part applies to every interest or right in petroleum acquired or vested before the coming into force of this section and is binding on Her Majesty in right of Canada or a province.

Transitional

Operating licences

205. (1) Where an operating licence was issued under subsection 3.2(1) of the *Oil and Gas Production and Conservation Act* and is in force on the coming into force of this section, it shall be deemed to be an operating licence issued by the Board under this Part.

Authorizations and development plan approval

(2) Where, prior to the coming into force of this section, authorization for any work or activity or approval of a development plan was given under subsection 3.2(1) of the *Oil and Gas Production and Conservation Act* or any regulation made under that Act, the authorization or approval shall be deemed to have been given by the Board under this Part.

PART IV REVENUE SHARING

Interpretation

Definitions

206. In this Part,

"Newfoundland Consumption Tax Acts" «*lois sur l'impôt indirect*»

"Newfoundland Consumption Tax Acts" means *The Retail Sales Tax Act, 1978*, Chapter 36 of the Statutes of Newfoundland, 1978, as amended from time to time, *The Gasoline Tax Act, 1978*, Chapter 39 of the Statutes of Newfoundland, 1978, as amended from time to time, *The Tobacco Tax Act, 1978*, Chapter 38 of the Statutes of Newfoundland, 1978, as amended from time to time and *The Insurance Premiums Tax Act, 1978*, Chapter 40 of the Statutes of Newfoundland, 1978, as amended from time to time and any other Act of the Legislature of the Province, as amended from time to time, as may be prescribed;

"Newfoundland Income Tax Act" «*loi sur l'impôt direct*»

"Newfoundland Income Tax Act" means *The Income Tax Act*, Chapter 163 of the Revised Statutes of Newfoundland, 1970, as amended from time to time;

"Newfoundland Insurance Companies Tax Act" «*loi sur l'imposition des compagnies d'assurances*»

"Newfoundland Insurance Companies Tax Act" means *The Insurance Companies Tax Act*, Chapter 177 of the Revised Statutes of Newfoundland, 1970, as amended from time to time;

"Petroleum and Natural Gas Act" «*Version anglaise seulement*»

"Petroleum and Natural Gas Act" means *The Petroleum and Natural Gas Act*, Chapter 294 of the Revised Statutes of Newfoundland, 1970, as amended from time to time;

"Revenue Fund" «*Fonds de recettes*»

"Revenue Fund" means the account established under section 214.

Imposition of Consumption Taxes

Imposition of consumption taxes in offshore area

207. (1) There shall be imposed, levied and collected under this Part in respect of the offshore area, in accordance with subsection (3), the taxes, interest and penalties that would be imposed, levied and collected under the Newfoundland Consumption Tax Acts if the offshore area were in the Province.

Exception

(2) Notwithstanding subsection (1), where taxes are imposed in respect of any matter under any of the Newfoundland Consumption Tax Acts and taxes would, but for this subsection, be imposed under subsection (1) in respect of that matter, no taxes shall be imposed under subsection (1) in respect of that matter.

Application of Newfoundland legislation

(3) Subject to this Act and the regulations, the Newfoundland Consumption Tax Acts and any regulations made thereunder apply, with such modifications as the circumstances require, for the purposes of this Part and, without limiting the generality of the foregoing,

(a) a reference in those Acts to Her Majesty in right of the Province shall be deemed to be a reference to Her Majesty in right of Canada;

(b) a reference in those Acts to the Province of Newfoundland or the province shall be deemed to be a reference to the offshore area; and

(c) a reference in those Acts to the Minister responsible for the administration of any of those Acts shall be deemed to be a reference to the Minister of Finance.

Binding on certain Crown corporations

(4) This section is binding on

(a) the corporations mentioned in Schedule A to the *Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contribution Act, 1977*, where the Province is a participating province within the meaning of subsection 34(1) of that Act; and

(b) the corporations mentioned in Schedule B to that Act.

Imposition of Insurance Companies Tax

Insurance companies
tax in offshore area

208. (1) There shall be imposed, levied and collected under this Part in respect of the insurance premiums received by any company with respect to property situated in the offshore area at the time the insurance premiums become payable, in accordance with subsection (3), the taxes, interest and penalties that would be imposed, levied and collected under the Newfoundland Insurance Companies Tax Act if the property were situated in the Province.

Exception

(2) Notwithstanding subsection (1), where taxes are imposed in respect of any matter under the Newfoundland Insurance Companies Tax Act and taxes would, but for this subsection, be imposed under subsection (1) in respect of that matter, no taxes shall be imposed under subsection (1) in respect of that matter.

Application of
Newfoundland
legislation

(3) Subject to this Act and the regulations, the Newfoundland Insurance Companies Tax Act and any regulations made thereunder apply, with such modifications as the circumstances require, for the purposes of this Part and, without limiting the generality of the foregoing,

(a) a reference in that Act to Her Majesty in right of the Province shall be deemed to be a reference to Her Majesty in right of Canada;

(b) a reference in that Act to the Province of Newfoundland or the province shall be deemed to be a reference to the offshore area; and

(c) a reference in that Act to the Minister responsible for the administration of that Act shall be deemed to be a reference to the Minister of Finance.

Definition of
"company"

(4) In this section, "company" has the same meaning as in the Newfoundland Insurance Companies Tax Act.

Tax Administration Agreement

Power to collect

209. (1) Subject to subsection 212(1), where a tax administration agreement is entered into pursuant to subsection (3), taxes, interest, penalties and other sums payable under section 207 or 208 may be collected and administered and refunds in respect thereof may be granted by the Government of the Province on behalf of the Government of Canada in accordance with the terms and conditions of the agreement, as amended from time to time pursuant to subsection (4).

Negotiation of tax
administration
agreement

(2) The Minister of Finance shall, on the request of the Government of the Province, negotiate with the Provincial Minister of Finance a tax administration agreement with respect to the taxes, interest and penalties imposed under sections 207 and 208.

Tax administration
agreement

(3) On completion of the negotiation of a tax administration agreement pursuant to subsection (2), the Minister of Finance, with the approval of the Governor in Council, shall, on behalf of the Government of Canada, enter into a tax administration agreement with the Government of the Province pursuant to which the Government of the Province shall, on behalf of the Government of Canada, collect and administer the taxes, interest, penalties and other sums payable under

sections 207 and 208 and, without limiting the generality of the foregoing, grant refunds or make other payments in respect of those taxes, interest and penalties in accordance with the terms and conditions set out in the agreement.

Amendments to the agreement

(4) The Minister of Finance, with the approval of the Governor in Council, may, on behalf of the Government of Canada, enter into an agreement amending the terms and conditions of any tax administration agreement entered into pursuant to subsection (3).

No further liability

(5) A tax administration agreement may provide that, where any payment is received by the Government of the Province on account of any taxes, interest, penalties or other sums payable by a person under

(a) section 207 or 208, or

(b) both

(i) section 207 or 208, and

(ii) the Newfoundland Consumption Tax Acts or the Newfoundland Insurance Companies Tax Act,

the payment so received may be applied by the Government of the Province towards the taxes, interest, penalties or other sums payable by the person under any such provision or Act in such manner as is specified in the agreement, notwithstanding that the person directed that the payment be applied in any other manner or made no direction as to its application.

Idem

(6) Any payment or part thereof applied by the Government of the Province in accordance with a tax administration agreement towards the taxes, interest, penalties or other sums payable by a person under section 207 or 208

(a) relieves that person of liability to pay such taxes, interest, penalties or other sums to the extent of the payment or part thereof so applied; and

(b) shall be deemed to have been applied in accordance with a direction made by that person.

Proof of provision of tax administration agreement

(7) A document purporting to be an agreement entered into pursuant to subsection (3) or (4) that is

(a) published in the *Canada Gazette*, or

(b) certified as such by, or on behalf of, the Receiver General, the Deputy Receiver General or the Minister of Finance

is, in the absence of evidence to the contrary, evidence of the contents thereof and is admissible in evidence without proof of the signature or official character of the person purporting to have certified it.

Transfer of powers and duties

210. (1) Where a tax administration agreement is entered into, the Provincial Minister, on behalf of, or as agent for, the Minister of Finance, is hereby authorized to perform all the duties and to exercise all the powers and any discretion that the Minister of Finance or the Deputy Minister of Finance has under this Part.

Idem

(2) Where a tax administration agreement is entered into, the Comptroller General of Finance of the Province may

(a) perform the duties and exercise any power or discretion that the Provincial Minister has under subsection (1) or otherwise under this Part; and

(b) designate officers of the Department of Finance of the Province to carry out such functions, perform such duties and exercise such powers as are similar to those that are carried out, exercised or performed by them on behalf of that Minister under the Newfoundland Consumption Tax Acts and the Newfoundland Insurance Companies Tax Act.

Imposition of Corporate Income Taxes

Imposition of corporate income tax in offshore area

211. (1) There shall be imposed, levied and collected under this Part in respect of the taxable income of a corporation earned in a taxation year in the offshore area, in accordance with subsection (3), the taxes, interest and penalties that would be imposed, levied and collected under the Newfoundland Income Tax Act in respect of that taxable income if the offshore area were in the Province.

Exception

(2) Notwithstanding subsection (1), where taxes are imposed under the Newfoundland Income Tax Act in respect of taxable income of a corporation earned in a taxation year in the Province and taxes would, but for this subsection, be imposed under subsection (1) in respect of that taxable income, no taxes shall be imposed under subsection (1) in respect of that taxable income.

Application of Newfoundland Income Tax Act

(3) Subject to this Act and the regulations made thereunder, the Newfoundland Income Tax Act and any regulations made thereunder apply, with such modifications as the circumstances require, for the purposes of this Part and, without limiting the generality of the foregoing,

(a) a reference in that Act to Her Majesty in right of the Province shall be deemed to be a reference to Her Majesty in right of Canada;

(b) a reference in that Act to the Province of Newfoundland or the province shall be deemed to be a reference to the offshore area;

(c) a reference in that Act to the "Minister of Finance" shall be deemed to be a reference to

(i) in relation to the remittance of any amount as or on account of tax payable under that Act, the Receiver General of Canada, and

(ii) in relation to any other matter, the Minister of National Revenue for Canada; and

(d) a reference in that Act to the "Minister of National Revenue" shall be deemed to be a reference to the Minister of National Revenue for Canada.

Determination of taxable income earned in the offshore area

(4) For the purposes of this section, the taxable income of a corporation earned in a taxation year in the offshore area or in the Province shall be determined in accordance with regulations made under paragraph 124(4)(a) of the *Income Tax Act*.

Remittance to Receiver General

212. (1) All taxes, interest, penalties or other sums payable under section 207, 208 or 211 are payable and shall be remitted to the Receiver General.

Consolidated Revenue Fund

(2) On the collection or receipt of any taxes, interest, penalties or other sums by the Government of the Province pursuant to this Part, the taxes, interest, penalties

or other sums shall be deposited as soon as practicable to the credit of the Receiver General and paid into the Consolidated Revenue Fund in the manner prescribed by the Treasury Board under the *Financial Administration Act*.

Collection of excess
sums

(3) Every person who knowingly collects or receives any sum of money as taxes under this Part in circumstances where the sum is not payable shall forthwith

(a) refund the sum to the person from whom he collected it; or

(b) if the person referred to in paragraph (a) is not known or readily ascertainable, pay the sum to the Receiver General.

Liability and Collection of Tax

Debts due to Her
Majesty

213. All taxes, interest, penalties or other sums payable under section 207, 208 or 211 are debts due to Her Majesty in right of Canada and are recoverable as such from the person required to pay the taxes, interest, penalties or other sums in accordance with this Part.

Revenue Fund

Revenue Fund

214. (1) There shall be established in the accounts of Canada an account to be known as the Newfoundland Offshore Petroleum Resource Revenue Fund.

Payment

(2) The Federal Minister shall, at the times and in the manner prescribed,

(a) credit the Revenue Fund with

(i) where the Government of the Province has agreed to collect and is collecting in accordance with a tax administration agreement entered into pursuant to section 209, on behalf of the Government of Canada, taxes, interest, penalties and other sums payable under sections 207 and 208, an amount equal to the aggregate of the amounts on account of taxes, interest, penalties and other sums collected pursuant to those sections during any fiscal year, after taking into account any refunds, remissions or other payments that are applicable in respect of such taxes, interest, penalties and other sums,

(ii) an amount equal to the aggregate of the amounts assessed or reassessed in respect of any fiscal year on account of taxes imposed pursuant to section 211, after taking into account any credits, reductions, deductions, rebates, surtaxes and remissions that are applicable in respect of such taxes,

(iii) where the Government of the Province and the Board have entered into an agreement pursuant to section 98 and the Board is collecting, in accordance with the agreement, on behalf of the Government of Canada, royalties payable under section 97, an amount equal to the aggregate of such royalties that have been collected during any fiscal year, and

(iv) an amount equal to the aggregate of any amounts, other than those referred to in subparagraph (iii), received and not required to be returned during any fiscal year under Part II or any regulations made thereunder; and

(b) pay to Her Majesty in right of the Province, at the time and in the manner prescribed, any amount credited to the Revenue Fund pursuant to paragraph

(a).

Excess recoverable

(3) Where, pursuant to subsection (2), Her Majesty in right of the Province has received any amount in excess of the amount to which it is entitled, the Federal Minister may recover as a debt due to Her Majesty in right of Canada an amount equal to such excess from any moneys that may be or may become payable to Her Majesty in right of the Province pursuant to subsection (2) or under any other Act of Parliament.

Jurisdiction of Courts

Jurisdiction of courts

215. (1) Every court in the Province has jurisdiction in respect of matters arising in the offshore area under this Part or Division VI of Part II or under any laws made applicable by this Part or that Division to the offshore area, to the same extent as the court has jurisdiction in respect of matters arising within its ordinary territorial division.

Presumption

(2) For the purposes of subsection (1), the offshore area shall be deemed to be within the territorial limits of the judicial centre of St. John's.

Saving

(3) Nothing in this section limits the jurisdiction that a court may exercise apart from this section.

Definition of "court"

(4) In this section, "court" includes a judge thereof and any provincial court judge or justice.

Regulations

Regulations

216. The Governor in Council may, on the recommendation of the Minister of Finance, make regulations

(a) excluding, for the purposes of this Act, any provision or any part thereof of the Newfoundland Consumption Tax Acts, the Newfoundland Income Tax Act, the Newfoundland Insurance Companies Tax Act or the Petroleum and Natural Gas Act or of any regulation made thereunder that is inconsistent with this Act, the Atlantic Accord or any bilateral or international treaty, convention or agreement respecting taxation, tariffs or trade to which the Government of Canada is a signatory; and

(b) prescribing anything that is by this Part to be prescribed.

Appropriation

Appropriation

217. In respect of any fiscal year, the Federal Minister may pay out of the Consolidated Revenue Fund, at such times and in such manner as may be prescribed,

(a) an amount to Her Majesty in right of the Province on account of amounts that have been refunded or reimbursed during that fiscal year by the Government of the Province to taxpayers in respect of taxes paid under this Part; and

(b) amounts payable during that fiscal year to Her Majesty in right of the Province pursuant to paragraph 214(2)(b).

PART V

FISCAL EQUALIZATION OFFSET PAYMENTS AND DETERMINATION OF PER CAPITA FISCAL CAPACITY

Interpretation

Definitions

218. (1) In this Part,

"Federal Minister"
«*ministre*»

"Federal Minister" means the Minister of Finance;

"first fiscal year of
offshore production"
«*premier exercice de
production
extracôtière*»

"first fiscal year of offshore production" means the fiscal year beginning on the first day of April immediately following the day on which the cumulative volume of production in the offshore area, measured as having flowed through the first sales meter, has reached an amount equal to 2,400,000 cubic metres of oil or a volume of gas or of a combination of oil and gas that is the energy equivalent thereto, as determined by the Minister of Natural Resources, in accordance with the regulations;

"Fiscal Arrangements
Act" «*loi de 1977*»

"Fiscal Arrangements Act" means the *Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act, 1977*;

"national average per
capita fiscal capacity"
«*moyenne nationale*»

"national average per capita fiscal capacity" means the per capita fiscal capacity of all of the provinces;

"phase-out portion"
«*fraction dégressive*»

"phase-out portion" means

(a) in respect of the first fiscal year of offshore production and each of the first three fiscal years following the first fiscal year of offshore production, ninety per cent,

(b) in respect of the fourth fiscal year following the first fiscal year of offshore production, eighty per cent,

(c) in respect of the fifth fiscal year following the first fiscal year of offshore production, seventy per cent,

(d) in respect of the sixth fiscal year following the first fiscal year of offshore production, sixty per cent,

(e) in respect of the seventh fiscal year following the first fiscal year of offshore production, fifty per cent,

(f) in respect of the eighth fiscal year following the first fiscal year of offshore production, forty per cent,

(g) in respect of the ninth fiscal year following the first fiscal year of offshore production, thirty per cent,

(h) in respect of the tenth fiscal year following the first fiscal year of offshore production, twenty per cent, and

(i) in respect of the eleventh fiscal year following the first fiscal year of offshore production, ten per cent;

"province"
«*province*»

"province" does not include the Northwest Territories, Yukon or Nunavut.

Determination of

population

(2) For the purposes of this Part, the population of a province for a fiscal year is the population of that province for that fiscal year, as determined for the purposes of Part I of the Fiscal Arrangements Act.

1987, c. 3, s. 218; 1993, c. 28, s. 78; 1994, c. 41, s. 37; 1998, c. 15, s. 18; 2002, c. 7, s. 109(E).

Fiscal Equalization Offset Payments

Fiscal equalization
offset payments

219. The Minister of Natural Resources shall pay to Her Majesty in right of the Province, at the time and in the manner prescribed, in respect of the first fiscal year of offshore production and each of the eleven fiscal years following the first fiscal year of offshore production, a fiscal equalization offset payment equal to the amount, if any, computed in accordance with section 220.

1987, c. 3, s. 219; 1994, c. 41, s. 37.

Calculation

220. The fiscal equalization offset payment that is to be paid to Her Majesty in right of the Province for a fiscal year pursuant to section 219 is the amount, as determined by the Federal Minister, equal to the aggregate of

(a) the amount, if any, by which

(i) the fiscal equalization payment that may be paid to Her Majesty in right of the Province for the fiscal year under Part I of the Fiscal Arrangements Act

is less than

(ii) where the average of the per capita fiscal capacity of the Province for the fiscal years taken into account in the calculation of the fiscal equalization payment for that fiscal year is less than or equal to 70 per cent of the average, for those fiscal years, of the national average per capita fiscal capacity, 95 per cent,

(iii) where the average of the per capita fiscal capacity of the Province for the fiscal years taken into account in the calculation of the fiscal equalization payment for that fiscal year is less than or equal to 75 per cent but greater than 70 per cent of the average, for those fiscal years, of the national average per capita fiscal capacity, 90 per cent, or

(iv) where the average of the per capita fiscal capacity of the Province for the fiscal years taken into account in the calculation of the fiscal equalization payment for that fiscal year is greater than 75 per cent of the average, for those fiscal years, of the national average per capita fiscal capacity, 85 per cent

of the aggregate of the fiscal equalization payment that may be paid to Her Majesty in right of the Province under Part I of the Fiscal Arrangements Act for the fiscal year immediately preceding the fiscal year and the amount computed in accordance with this paragraph for the fiscal year immediately preceding the fiscal year, and

(b) the phase-out portion, in respect of the fiscal year, of the amount, as determined by the Federal Minister, by which

(i) the aggregate of the fiscal equalization payment that may be paid to Her Majesty in right of the Province under Part I of the Fiscal Arrangements Act for the fiscal year immediately preceding the fiscal year and the amount computed in accordance with paragraph (a) for the fiscal year immediately preceding the fiscal year

is greater than

(ii) the aggregate of the fiscal equalization payment that may be paid to Her Majesty in right of the Province under Part I of the Fiscal Arrangements Act for the fiscal year and the amount computed in accordance with paragraph (a) for the fiscal year.

1987, c. 3, s. 220; 2004, c. 22, s. 6.

Determination of Per Capita Fiscal Capacity

Determination of fiscal capacity

221. (1) For the purposes of paragraph 220(a), the per capita fiscal capacity of the Province and the national average per capita fiscal capacity in respect of any fiscal year shall be determined by the Federal Minister by dividing the aggregate of the estimated revenues of the Province or of all provinces, as the case may be, in respect of the fiscal year, as determined in accordance with subsection (2), by the population of the Province or of all provinces, as the case may be, in respect of the fiscal year.

Estimated revenues determined in accordance with a representative tax system

(2) The aggregate of the estimated revenues of the Province or of all provinces, as the case may be, in respect of any fiscal year shall be determined by

(a) describing the sources from which are or may be derived the aggregate of the following revenues, namely,

(i) the aggregate of the revenues derived by all provinces in respect of the fiscal year from all sources described in the definition "revenue source" in subsection 4(2) of the Fiscal Arrangements Act as it read on April 1st, 1984,

(ii) the aggregate of the revenues that are

(A) derived by all municipalities, boards, commissions and other local authorities from the sources described in paragraphs (z) and (bb) of the definition "revenue source" in subsection 4(2) of the Fiscal Arrangements Act as it read on April 1st, 1984, and

(B) deemed by virtue of subsection 4(5) of the Fiscal Arrangements Act as it read on April 1st, 1984 to be derived by a province in respect of the fiscal year, and

(iii) the aggregate of the revenues derived by all provinces in respect of the fiscal year and by all municipalities, boards, commissions and other local authorities in respect of their financial years ending in the fiscal year that

(A) are not included in subparagraph (i) or (ii), and

(B) are included in the computation of fiscal equalization payments for the fiscal year under the Fiscal Arrangements Act,

as those sources are described in the definition "revenue source" in subsection

4(2) of the Fiscal Arrangements Act, varying the description of such sources to take into account the changes and factors referred to in subsection (3);

(b) defining the expression "revenue base", in respect of each distinct source described pursuant to paragraph (a), for a province in respect of the fiscal year, that relates to the measure of the relative capacity of the province to derive revenue from such source for that fiscal year;

(i) as that expression is defined in respect of such source, in section 6 of the *Federal-Provincial Fiscal Arrangements and Established Programs Financing Regulations, 1982*, as it read on April 1, 1984, and

(ii) varying that definition to take into account the changes and factors referred to in subsection (3);

(c) estimating the amount of each revenue base defined in paragraph (b), in respect of each source described pursuant to paragraph (a), for the Province or all provinces, as the case may be, for the fiscal year;

(d) estimating the amount of the revenues of the Province or all provinces, as the case may be, in respect of each source described pursuant to paragraph (a) for the fiscal year by multiplying

(i) the national average rate of tax for the fiscal year in respect of that source, and

(ii) the amount of the revenue base estimated pursuant to paragraph (c) in respect of that source for the Province or all provinces, as the case may be, for the fiscal year; and

(e) adding the amounts of the revenues of the Province or of all provinces, as the case may be, estimated pursuant to paragraph (d) in respect of all sources described pursuant to paragraph (a).

(3) For the purposes of paragraph (2)(a) and subparagraph (2)(b)(ii), the following changes and factors should be taken into account, namely,

(a) changes in any laws of a province relating to taxation that apply in respect of fiscal years subsequent to the fiscal year beginning on April 1, 1984,

(b) changes to improve the accuracy of comparisons among provinces of relative capacity to derive revenue from any source; and

(c) changes made by statistical agencies to statistical data or methods used to measure the relative capacities of provinces to derive revenue from any source.

(4) For the purposes of paragraph (2)(d) the national average rate of tax for a fiscal year in respect of a source is the quotient obtained by dividing

(a) the aggregate of the total revenues, as determined by the Federal Minister, derived by all provinces for the fiscal year from that source, whether or not the total revenues or any portion thereof are included in the computation of the fiscal equalization payments to provinces for the fiscal year under Part I of the Fiscal Arrangements Act

by

Changes and factors
to be taken into
account in
representative tax
system

Average rate of tax

(b) the revenue base estimated pursuant to paragraph (2)(c) in respect of that source for all provinces for that fiscal year.

Determinations

Final determination

222. (1) The final determination, for any fiscal year, of the fiscal equalization offset payment for the Province, the per capita fiscal capacity for the Province and the national average per capita fiscal capacity shall be determined by the Federal Minister following the end of the fiscal year, at the same time that the final computation of the amount, if any, of the fiscal equalization payment that is payable to a province is made for the fiscal year under Part I of the Fiscal Arrangements Act.

Interim determinations

(2) The Federal Minister may make an interim determination of a fiscal equalization offset payment for the Province for a fiscal year and of the per capita fiscal capacity of the Province and the national average per capita fiscal capacity for a fiscal year, at the time and in the manner prescribed, prior to any final determination made under subsection (1).

Advance Payments

Advance payments

223. The Federal Minister of Natural Resources may, at the times and in the manner prescribed, pay to Her Majesty in right of the Province an amount on account of a fiscal equalization offset payment that may be payable or may become payable to Her Majesty in right of the Province under this Part in respect of any fiscal year.

1987, c. 3, s. 223; 1994, c. 41, s. 37.

Accounting of
advance on account

224. Where an amount has been paid to Her Majesty in right of the Province pursuant to section 223 on account of a fiscal equalization offset payment for a fiscal year, the amount shall be accounted for and shall be deemed to be a portion of the fiscal equalization offset payment in respect of the fiscal year as determined by the Federal Minister in the manner prescribed, notwithstanding that the fiscal equalization offset payment was not determined by the Federal Minister in accordance with section 220.

Appropriation

Appropriation

225. The amounts authorized to be paid by sections 219 and 223 shall be paid out of the Consolidated Revenue Fund at such times and in such manner as may be prescribed.

Report to Parliament

Report to Parliament

226. On or before the 31st day of December next following the end of each fiscal year during the term of the Agreement, the Minister of Natural Resources shall cause to be prepared a report in respect of that fiscal year, relating to

(a) every fiscal equalization offset payment, and

(b) every determination of the per capita fiscal capacity for the Province or the national average per capita fiscal capacity

that has been made under this Part, and shall cause the report to be laid before

each House of Parliament on any of the first fifteen days on which that House is sitting after the day the report is prepared.

1987, c. 3, s. 226; 1994, c. 41, s. 37.

Regulations

Regulations

227. The Governor in Council may, on the recommendation of the Federal Minister, make regulations

(a) prescribing the time and manner of making any payment under this Part;

(b) respecting the determination of any matter that under this Part is to be determined by the Minister of Natural Resources or the Federal Minister;

(c) prescribing the time and manner of making any interim determination of a fiscal equalization offset payment or of the per capita fiscal capacity of the Province and the national average per capita fiscal capacity under this Part;

(d) providing for the payment to Her Majesty in right of the Province of advances on account of a fiscal equalization offset payment for a fiscal year that may be payable or may become payable to Her Majesty in right of the Province pursuant to this Part, the adjustment of other payments by reason of such advances and the recovery of over-payments;

(e) prescribing anything that, by virtue of any other provision of this Part, is to be prescribed; and

(f) generally for carrying into effect the purposes and provisions of this Part.

1987, c. 3, s. 227; 1994, c. 41, s. 37.

PART VI OFFSHORE DEVELOPMENT FUND

Interpretation

Definitions

228. In this Part,

"Development Fund"
«Fonds de
développement»

"Development Fund" means the account established under section 229;

"project" «*projet*»

"project" means any work or activity in respect of which costs may be incurred.

Development Fund

Development Fund

229. There shall be established in the accounts of Canada an account to be known as the Offshore Development Fund, to which shall be charged all amounts paid by the Federal Minister pursuant to this Part.

Agreement with Provincial Government

Agreement with the Provincial Government

230. The Federal Minister may, with the approval of the Federal Government, enter into an agreement with the Provincial Minister, who has the approval of the

Provincial Government,

(a) providing for the criteria for the selection of projects and the procedure to be followed in proposing and approving projects;

(b) providing for the procedure to be followed in making a payment of amounts pursuant to subsection 231(1) and the terms and conditions of the payment of those amounts or any part thereof;

(c) restricting the costs in respect of which payment of amounts may be made pursuant to subsection 231(1); and

(d) providing for any other matter or thing necessary for or incidental to carrying out the purposes and provisions of this Part.

Payments

Power to make payment

231. (1) On a request made in accordance with the terms of an agreement entered into pursuant to section 230 for the payment of an amount of money for costs incurred in respect of a project that has been approved by both Ministers, the Federal Minister shall, subject to subsections (2) to (4) and the terms of the agreement, pay the amount.

Maximum amount of payments

(2) The aggregate amount of all payments made pursuant to subsection (1) shall not exceed the sum of two hundred and twenty-five million dollars.

Conditional on Provincial contributions

(3) No payment shall be made by the Federal Minister pursuant to subsection (1) in relation to a project unless the Provincial Minister has agreed to pay one-quarter of the total costs incurred by both governments in respect of the project.

Limitation

(4) The Federal Minister shall not pay an amount of money pursuant to subsection (1) unless the payment is for costs incurred in respect of a project approved and in progress prior to the day that is the later of

(a) April 1, 1993, and

(b) the day on which the cumulative volume of production in the offshore area, measured as having flowed through the first sales meter, has reached an amount equal to 2,400,000 cubic metres of oil or a volume of gas or of a combination of oil and gas that is the energy equivalent thereto, as determined by the Federal Minister in accordance with the regulations.

Development Fund Committee

Development Fund Committee

232. (1) There is established by the joint operation of this Act and the Provincial Act a committee to be known as the Development Fund Committee, consisting of four members.

Appointment of members

(2) Two members of the Development Fund Committee are to be appointed by each government.

Functions of the Committee

(3) The Development Fund Committee shall monitor and review the implementation of the Development Fund pursuant to this Part.

Dissolution of the Committee

(4) The Development Fund Committee is, by the joint operation of this subsection and subsection 204(4) of the Provincial Act, dissolved three years after the date, as determined by both Ministers, on which the last payment is made

pursuant to subsection 231(1).

Appropriation

Appropriation

233. (1) There may be paid out of the Consolidated Revenue Fund, for the purpose of making payments pursuant to this Part, amounts not exceeding, in the aggregate, the sum of two hundred and twenty-five million dollars.

Idem

(2) Notwithstanding section 30 of the *Financial Administration Act*, any portion of the amount appropriated under this section may be expended in subsequent fiscal years.

**PART VII
CORPORATE INCOME TAX**

234. and **235.** [Amendments]

**PART VIII
TRANSITIONAL, CONSEQUENTIAL AND COMMENCEMENT**

Transitional

Initial payment to
environmental studies
fund during
transitional period

236. Notwithstanding section 49 of the *Canada Oil and Gas Act* as it read immediately before the coming into force of this section, where an exploration agreement in relation to any portion of the offshore area was entered into or negotiations in respect thereof were completed under the *Canada Oil and Gas Act* on or after February 11, 1985 and before the coming into force of Part VII of the *Canada Petroleum Resources Act*,

(a) the interest owner shall deposit for payment into the relevant fund an amount determined in accordance with subsection 81(2) of the *Canada Petroleum Resources Act*; and

(b) where, prior to the coming into force of this section, there has been deposited for payment into the relevant fund in relation to that exploration agreement an amount determined in accordance with section 49 of the *Canada Oil and Gas Act* as it read immediately before the coming into force of this section, the Minister may refund to the interest owner an amount equal to the difference between that amount and the amount required to be deposited under paragraph (a).

Consequential Amendments

237. and **238.** [Amendments to other Acts]

Coming into Force

Coming into force

***239.** (1) Subject to subsection (2), this Act or any provision thereof shall come into force on a day or days to be fixed by proclamation.

Idem

(2) Sections 211, 234 and 235 are applicable to taxation years commencing after April 4, 1987.

*[Note: Act, except Division VIII of Part II and sections 207 and 208, in force April 4, 1987, see SI/87-88; Division VIII of Part II, in force May 20, 1988, see

SI/88-102; sections 207 and 208, in force January 23, 1996, see SI/96-20.]

1987, c. 3, s. 239; 1991, c. 49, s. 237.

AMENDMENTS NOT IN FORCE

-- 2001, c. 26, s. 280:

1992, c. 35, s. 73(1)

280. Subsection 160(1) of the *Canada-Newfoundland Atlantic Accord Implementation Act* is replaced by the following:

Definition of "spill"

160. (1) In sections 161 to 165, "spill" means a discharge, emission or escape of petroleum, other than one that is authorized under the regulations or any other federal law or that constitutes a discharge from a vessel to which Part 8 or 9 of the *Canada Shipping Act, 2001* applies or a ship to which Part XVI of the *Canada Shipping Act* applies.

-- 2001, c. 26, s. 324(8):

***(8) On the later of the coming into force of section 280 of this Act and section 110 of the other Act, subsection 160(1) of the *Canada-Newfoundland Atlantic Accord Implementation Act* is replaced by the following:**

Definition of "spill"

160. (1) In sections 161 to 165, "spill" means a discharge, emission or escape of petroleum, other than one that is authorized under the regulations or any other federal law or that constitutes a discharge from a vessel to which Part 8 or 9 of the *Canada Shipping Act, 2001* applies or a ship to which Part 6 of the *Marine Liability Act* applies.

*[Note: "other Act" refers to the *Marine Liability Act*.]

-- 2003, c. 22, ss. 117 to 121:

117. The definition "Public Service of Canada" in subsection 11(2) of the English version of the *Canada-Newfoundland Atlantic Accord Implementation Act* is replaced by the following:

"Public Service of Canada"
« *administration fédérale* »

"Public Service of Canada" has the meaning given the expression "public service" in the *Public Service Labour Relations Act*, and includes any portion of the federal public administration designated by order in council pursuant to this subsection and for the purposes of subsection (1) as part of the Public Service of Canada.

118. (1) Subsection 25(3) of the Act is replaced by the following:

Presumption

(3) Except as provided in subsection (4), every person employed pursuant to subsection (1) is deemed not to be employed in the federal public administration or the public service of the Province.

(2) Subsection 25(5) of the English version of the Act is replaced by the following:

Definition of "public service"

(5) In this section, "public service" has the same meaning as in the *Public Service Labour Relations Act*.

119. Subsection 141(1) of the English version of the Act is replaced by the

following:Oil and Gas
Committee

141. (1) The Board may, for the purposes of this Part and Part III of the Provincial Act, establish a committee to be known as the Oil and Gas Committee, consisting of not more than five members, not more than three of whom may be employees in the federal public administration or the public service of the Province.

120. Subsection 142(4) of the Act is replaced by the following:

Remuneration

(4) The members of the Committee who are not employees in the federal public administration or the public service of the Province shall be paid such remuneration as may be authorized by the Board.

121. Subsection 144(1) of the Act is replaced by the following:

Quorum

144. (1) A majority of the members, including one member who is not an employee in the federal public administration or the public service of the Province, constitutes a quorum of the Committee.

-- 2003, c. 22, para. 225(g):Replacement of
"Public Service"

225. The expression "Public Service" is replaced by the expression "public service" wherever it occurs in the English version of the following provisions, other than in the expressions "Public Service corporation", "*Public Service Employment Act*", "Public Service Pension Fund" and "*Public Service Superannuation Act*":

...

(g) subsection 25(4) of the *Canada-Newfoundland Atlantic Accord Implementation Act*;

...

-- 2003, c. 22, s. 231:

231. The portion of subsection 25(4) of the *Canada-Newfoundland Atlantic Accord Implementation Act* before paragraph (a) is replaced by the following:

Mobility of staff

(4) For the purpose of being eligible for appointment to a position in the public service by an appointment process under the *Public Service Employment Act*,

F

Proposed Labrador Inuit Land Claims Agreement Act

=====
Lobbyists Registration Act
=====

Indian and Northern Affairs Canada

Lobbyists Registration Act

R.S., 1985, c. 44 (4th Supp.)

An Act respecting the registration of lobbyists

[1988, c. 53, assented to
13th September, 1988]

Preamble

WHEREAS free and open access to government is an important matter of public interest;

AND WHEREAS lobbying public office holders is a legitimate activity;

AND WHEREAS it is desirable that public office holders and the public be able to know who is attempting to influence government;

AND WHEREAS a system for the registration of paid lobbyists should not impede free and open access to government;

NOW THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Lobbyists Registration Act*.

INTERPRETATION

Definitions

2. (1) In this Act,

"Ethics Counsellor" [Repealed, 2004, c. 7, s. 19]

"organization"
« *organisation* »

"organization" includes

- (a) a business, trade, industry, professional or voluntary organization,
- (b) a trade union or labour organization,
- (c) a chamber of commerce or board of trade,
- (d) a partnership, association, charitable society, coalition or interest group,
- (e) a government, other than the Government of Canada, and
- (f) a corporation without share capital incorporated to pursue, without financial gain to its members, objects of a national, provincial, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character or other similar objects;

"payment"

"payment" means money or anything of value and includes a contract, promise or

«paiement»	agreement to pay money or anything of value;
"prescribed" <i>Version anglaise seulement</i>	"prescribed" means prescribed by regulation;
"public office holder" «titulaire d'une charge publique»	"public office holder" means any officer or employee of Her Majesty in right of Canada and includes <ul style="list-style-type: none"> (a) a member of the Senate or the House of Commons and any person on the staff of such a member, (b) a person who is appointed to any office or body by or with the approval of the Governor in Council or a minister of the Crown, other than a judge receiving a salary under the <i>Judges Act</i> or the lieutenant governor of a province, (c) an officer, director or employee of any federal board, commission or other tribunal as defined in the <i>Federal Courts Act</i>, (d) a member of the Canadian Armed Forces, and (e) a member of the Royal Canadian Mounted Police;
"registrar" « <i>directeur</i> »	"registrar" means the registrar designated pursuant to section 8.
Subsidiary corporation	(2) For the purposes of this Act, a corporation is a subsidiary of another corporation if <ul style="list-style-type: none"> (a) securities of the first-mentioned corporation to which are attached more than fifty per cent of the votes that may be cast to elect directors of the first-mentioned corporation are held, otherwise than by way of security only, directly or indirectly, whether through one or more subsidiaries or otherwise, by or for the benefit of the other corporation; and (b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the first-mentioned corporation. <p>R.S., 1985, c. 44 (4th Supp.), s. 2; 1995, c. 12, s. 1; 2002, c. 8, s. 182; 2004, c. 7, s. 19.</p>

APPLICATION

Binding on Her Majesty	3. This Act is binding on Her Majesty in right of Canada or a province.
Restriction on application	4. (1) This Act does not apply to any of the following persons when acting in their official capacity, namely, <ul style="list-style-type: none"> (a) members of the legislature of a province or persons on the staff of such members; (b) employees of the government of a province; (c) members of a council or other statutory body charged with the administration of the civil or municipal affairs of a city, town, municipality or district, persons on the staff of such members or officers or employees of a city, town, municipality or district;

(d) members of the council of a band as defined in subsection 2(1) of the *Indian Act* or of the council of an Indian band established by an Act of Parliament, persons on their staff or employees of such a council;

(d.1) members of a governing body under the constitution of a first nation named in Schedule II to the *Yukon First Nations Self-Government Act*, persons on their staff or employees of such a governing body;

(d.2) members of Nisga'a Government, as defined in the Nisga'a Final Agreement given effect by the *Nisga'a Final Agreement Act*, persons on the staff of those members or employees of the Nisga'a Nation, a Nisga'a Village or a Nisga'a Institution, as defined in that Agreement;

(e) diplomatic agents, consular officers or official representatives in Canada of a foreign government; or

(f) officials of a specialized agency of the United Nations in Canada or officials of any other international organization to whom there are granted, by or under any Act of Parliament, privileges and immunities.

Idem

(2) This Act does not apply in respect of

(a) any oral or written submission made to a committee of the Senate or House of Commons or of both Houses of Parliament or to any body or person having jurisdiction or powers conferred by or under an Act of Parliament, in proceedings that are a matter of public record;

(b) any oral or written submission made to a public office holder by an individual on behalf of any person or organization with respect to the enforcement, interpretation or application of any Act of Parliament or regulation thereunder by that public office holder and with respect to that person or organization; or

(c) any oral or written submission made to a public office holder by an individual on behalf of any person or organization in direct response to a written request from a public office holder, for advice or comment in respect of any matter referred to in any of subparagraphs 5(1)(a)(i) to (vi) or paragraphs 6(1)(a) to (e) or 7(1)(a) to (e).

Idem

(3) Nothing in this Act shall be construed as requiring the disclosure of the name or identity of any individual where that disclosure could reasonably be expected to threaten the safety of that individual.

R.S., 1985, c. 44 (4th Supp.), s. 4; 1994, c. 35, s. 36; 1995, c. 12, s. 2; 2000, c. 7, s. 24.

REGISTRATION OF LOBBYISTS

Consultant Lobbyists

Lobbyists shall file
return

5. (1) Every individual who, for payment, on behalf of any person or organization (in this section referred to as the "client"), undertakes to

(a) communicate with a public office holder in an attempt to influence

(i) the development of any legislative proposal by the Government of Canada

or by a member of the Senate or the House of Commons,

(ii) the introduction of any Bill or resolution in either House of Parliament or the passage, defeat or amendment of any Bill or resolution that is before either House of Parliament,

(iii) the making or amendment of any regulation as defined in subsection 2(1) of the *Statutory Instruments Act*,

(iv) the development or amendment of any policy or program of the Government of Canada,

(v) the awarding of any grant, contribution or other financial benefit by or on behalf of Her Majesty in right of Canada, or

(vi) the awarding of any contract by or on behalf of Her Majesty in right of Canada, or

(b) arrange a meeting between a public office holder and any other person,

shall, not later than ten days after entering into that undertaking, file with the registrar, in the prescribed form and manner, a return setting out the information referred to in subsection (2).

Contents of return

(2) The return shall set out the following information with respect to the undertaking:

(a) the name and business address of the individual and, if applicable, the name and business address of the firm where the individual is engaged in business;

(b) the name and business address of the client and the name and business address of any person or organization that, to the knowledge of the individual, controls or directs the activities of the client and has a direct interest in the outcome of the individual's activities on behalf of the client;

(c) where the client is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the individual, has a direct interest in the outcome of the individual's activities on behalf of the client;

(d) where the client is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation;

(e) where the client is a coalition, the name and business address of each corporation or organization that is a member of the coalition;

(e.1) where the client is funded in whole or in part by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the client from that government or government agency;

(f) particulars to identify the subject-matter in respect of which the individual has undertaken to communicate with a public office holder or to arrange a meeting, and such other information respecting the subject-matter as is prescribed;

(g) where applicable, whether the payment to the individual is in whole or in part

contingent on the individual's degree of success in influencing any matter described in subparagraphs (1)(a)(i) to (vi);

(h) particulars to identify any relevant legislative proposal, Bill, resolution, regulation, policy, program, grant, contribution, financial benefit or contract;

(i) the name of any department or other governmental institution in which any public office holder with whom the individual has communicated or expects to communicate, or with whom a meeting is to be or has been arranged, is employed or serves;

(j) where the individual has undertaken to communicate with a public office holder in an attempt to influence any matter described in subparagraphs (1)(a)(i) to (vi), particulars to identify any communication technique, including appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion (in this Act referred to as "grass-roots communication"), that the individual has used or expects to use in an attempt to influence that matter; and

(k) such other information relating to the identity of the individual, the client, any person or organization referred to in paragraph (b), any subsidiary referred to in paragraph (c), the other corporation referred to in paragraph (d), any member of a coalition referred to in paragraph (e) or any department or institution referred to in paragraph (i) as is prescribed.

Changes to
information and new
information

(3) An individual who files a return shall provide the registrar, in the prescribed form and manner, with any change to the information provided by the individual in the return, and any information required to be provided under subsection (2) the knowledge of which the individual acquired only after the return was filed, not later than thirty days after the change occurs or the knowledge is acquired.

Completion or
termination of
undertaking

(4) An individual who completes or terminates an undertaking in respect of which the individual has filed a return shall advise the registrar of that fact, in the prescribed form and manner, not later than thirty days after the undertaking is completed or terminated.

Information requested
by registrar

(5) An individual who files a return shall provide the registrar, in the prescribed form and manner, with such information as the registrar may request to clarify any information that the individual has provided to the registrar pursuant to this section, and shall do so not later than thirty days after the request is made.

Restriction on
application

(6) This section does not apply in respect of anything that an employee undertakes to do on the sole behalf of their employer or, where their employer is a corporation, in respect of anything that the employee, at the direction of the employer, undertakes to do on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary.

For greater certainty

(7) For greater certainty, an individual who undertakes to communicate with a public office holder as described in paragraph (1)(a) is required to file only one return under subsection (1) notwithstanding that the individual may, in connection with that undertaking, communicate with one or more public office holders on one or more occasions.

R.S., 1985, c. 44 (4th Supp.), s. 5; 1995, c. 12, s. 3; 1999, c. 31, s. 163(F).

In-House Lobbyists (Corporate)

Lobbyists shall file
return

6. (1) Where a person employs an individual a significant part of whose duties as an employee is to communicate with public office holders on behalf of the employer or, where the employer is a corporation, on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary, in an attempt to influence

(a) the development of any legislative proposal by the Government of Canada or by a member of the Senate or the House of Commons,

(b) the introduction of any Bill or resolution in either House of Parliament or the passage, defeat or amendment of any Bill or resolution that is before either House of Parliament,

(c) the making or amendment of any regulation as defined in subsection 2(1) of the *Statutory Instruments Act*,

(d) the development or amendment of any policy or program of the Government of Canada, or

(e) the awarding of any grant, contribution or other financial benefit by or on behalf of Her Majesty in right of Canada,

the employee shall file with the registrar, in the prescribed form and manner and at the time or times required by subsection (2), a return setting out the information referred to in subsection (3).

Time limits for filing a
return

*(2) An employee to whom subsection (1) applies shall file a return

(a) where the duties described in subsection (1) commenced to be a significant part of their duties before the date on which that subsection comes into force, within two months after that date;

(b) where the duties described in subsection (1) commence to be a significant part of their duties on or after that date, within two months after the date on which those duties commence to be a significant part of their duties; and

(c) within two months after the end of each financial year of the employer or, if the employer does not have a financial year, within two months after the end of each calendar year, beginning with the financial year or calendar year, as the case may be, in which the employee is required to file a return pursuant to paragraph (a) or (b).

*[Note: Subsection 6(1) in force September 30, 1989, see SI/89-193.]

Contents of return

(3) The return shall set out the following information:

(a) the name and business address of the employee;

(b) the name and business address of the employer;

(c) where the employer is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the employee, has a direct interest in the outcome of the employee's activities on behalf of the employer;

(d) where the employer is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation;

(e) if applicable, the financial year of the employer;

(f) a description in summary form of the employer's business or activities and such other information to identify the employer's business or activities as is prescribed;

(f.1) where the employer is funded in whole or in part by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the employer from that government or government agency;

(g) where the employee is attempting to influence any matter described in paragraphs (1)(a) to (e) at the time the return is filed, particulars to identify the relevant subject-matter and such other information respecting the subject-matter as is prescribed;

(h) particulars to identify the subject-matters in respect of which the employee has communicated or expects to communicate with public office holders during the financial year of the employer in which the return is filed or, if the employer does not have a financial year, during the calendar year in which the return is filed, in an attempt to influence any matter described in paragraphs (1)(a) to (e), and such other information respecting those subject-matters as is prescribed;

(i) particulars to identify any relevant legislative proposal, Bill, resolution, regulation, policy, program, grant, contribution or financial benefit;

(j) the name of any department or other governmental institution in which any public office holder with whom the employee has communicated or expects to communicate, in connection with any matter referred to in paragraph (g) or (h), is employed or serves;

(k) particulars to identify any communication technique, including grass-roots communication within the meaning of paragraph 5(2)(j), that the employee has used or expects to use in an attempt to influence any matter referred to in paragraph (g) or (h); and

(l) such other information relating to the identity of the employee, the employer, any subsidiary referred to in paragraph (c), the other corporation referred to in paragraph (d) or any department or institution referred to in paragraph (j) as is prescribed.

Changes to return and new information

(4) An employee who files a return shall provide the registrar, in the prescribed form and manner, with any change to the information provided by the employee in the return, and any information required to be provided under subsection (3) the knowledge of which the employee acquired only after the return was filed, not later than thirty days after the change occurs or the knowledge is acquired.

Ceasing duties or employment

(5) An employee who files a return shall advise the registrar, in the prescribed form and manner, if the duties described in subsection (1) cease to be a significant part of their duties or they cease to be employed by the employer, and shall do so not later than thirty days after the event.

Information requested by registrar

(6) An employee who files a return shall provide the registrar, in the prescribed form and manner, with such information as the registrar may request to clarify any

information that the employee has provided to the registrar pursuant to this section, and shall do so not later than thirty days after the request is made.

Definition of
"employee"

(7) In this section, "employee" includes an officer who is compensated for the performance of their duties.

R.S., 1985, c. 44 (4th Supp.), s. 6; 1995, c. 12, s. 3; 1999, c. 31, s. 164(F).

In-House Lobbyists (Organizations)

Senior officer shall file
return

7. (1) Where an organization employs one or more individuals any part of whose duties is to communicate with public office holders on behalf of the organization in an attempt to influence

(a) the development of any legislative proposal by the Government of Canada or by a member of the Senate or the House of Commons,

(b) the introduction of any Bill or resolution in either House of Parliament or the passage, defeat or amendment of any Bill or resolution that is before either House of Parliament,

(c) the making or amendment of any regulation as defined in subsection 2(1) of the *Statutory Instruments Act*,

(d) the development or amendment of any policy or program of the Government of Canada, or

(e) the awarding of any grant, contribution or other financial benefit by or on behalf of Her Majesty in right of Canada,

the senior officer of the organization shall, if those duties constitute a significant part of the duties of one employee or would constitute a significant part of the duties of one employee were those duties to be performed by only one employee, file with the registrar, in the prescribed form and manner and at the time or times required by subsection (2), a return setting out the information referred to in subsection (3).

Time limits for filing a
return

* (2) The senior officer of the organization shall file a return

(a) where, on the date on which subsection (1) comes into force, the organization employs one or more individuals whose duties are as described in that subsection, within two months after that date and thereafter within thirty days after the expiration of each six month period after the date of filing; and

(b) where, on that date, the organization does not employ any individual whose duties are as described in that subsection, within two months after the date on which the organization first commences to employ such an individual and thereafter within thirty days after the expiration of each six month period after the date of filing.

*[Note: Subsection 7(1) in force September 30, 1989, see S1/89-193.]

Contents of return

(3) The return shall set out the following information:

(a) the name and business address of the senior officer;

(b) the name and business address of the organization;

(c) a description in summary form of the organization's business or activities and such other information to identify its business or activities as is prescribed;

(d) a description of the organization's membership and such other information to identify its membership as is prescribed;

(e) where the organization is funded in whole or in part by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the organization from that government or government agency;

(f) the name of each employee of the organization whose duties include those described in subsection (1);

(g) where any such employee is attempting to influence any matter described in paragraphs (1)(a) to (e) at the time the return is filed, particulars to identify the relevant subject-matter and such other information respecting the subject-matter as is prescribed;

(h) particulars to identify the subject-matters in respect of which any such employee

(i) has communicated with public office holders during the period for which the return is filed under subsection (2), and

(ii) is expected to communicate with public office holders during the next following six month period,

in an attempt to influence any matter described in paragraphs (1)(a) to (e), and such other information respecting those subject-matters as is prescribed;

(i) particulars to identify any relevant legislative proposal, Bill, resolution, regulation, policy, program, grant, contribution or financial benefit;

(j) the name of any department or other governmental institution in which any public office holder with whom any such employee

(i) has communicated during the period for which the return is required to be filed pursuant to subsection (2), and

(ii) is expected to communicate during the next following six month period,

in connection with any matter referred to in paragraph (g) or (h), is employed or serves;

(k) particulars to identify any communication technique, including grass-roots communication within the meaning of paragraph 5(2)(j), that any such employee

(i) has used during the period for which the return is required to be filed pursuant to subsection (2), and

(ii) is expected to use during the next following six month period,

in an attempt to influence any matter referred to in paragraph (g) or (h); and

(f) such other information relating to the identity of the senior officer, the organization, any employee referred to in paragraph (f) or any department or institution referred to in paragraph (j) as is prescribed.

Ceasing duties or
employment

(4) The senior officer of an organization in respect of which a return is filed shall advise the registrar, in the prescribed form and manner, if an employee who has been identified in the return ceases to perform duties described in subsection (1) or ceases to be employed by the organization, and shall do so not later than thirty days after the event.

Information requested
by registrar

(5) The senior officer of an organization in respect of which a return is filed shall provide the registrar, in the prescribed form and manner, with such information as the registrar may request to clarify any information that has been provided to the registrar pursuant to this section, and shall do so not later than thirty days after the request is made.

Definitions

(6) In this section,

"employee"
« employé »

"employee" includes an officer who is compensated for the performance of their duties;

"senior officer"
« premier dirigeant »

"senior officer", in respect of an organization, means the most senior officer of the organization who is compensated for the performance of their duties.

R.S., 1985, c. 44 (4th Supp.), s. 7; 1995, c. 12, s. 3.

Certification

Certification

7.1 Every individual who submits a return or other document to the registrar pursuant to this Act shall certify on the return or other document or, where it is submitted in electronic or other form in accordance with subsection 7.2(1), in such manner as is specified by the registrar, that the information contained in it is true to the best of their knowledge and belief.

1995, c. 12, s. 3.

Documents in Electronic or Other Form

Submission of
documents

7.2 (1) Subject to the regulations, any return or other document that is required to be submitted to the registrar under this Act may be submitted in electronic or other form by such means and in such manner as is specified by the registrar.

Time of receipt

(2) For the purposes of this Act, any return or other document that is submitted in accordance with subsection (1) is deemed to be received by the registrar at the time provided for in the regulations.

1995, c. 12, s. 3.

Storage

7.3 (1) Subject to the regulations, any return or other document that is received by the registrar may be entered or recorded by any information storage device, including any system of mechanical or electronic data processing, that is capable of reproducing the stored return or other document in intelligible form within a reasonable time.

Evidence

(2) In any prosecution for an offence under this Act, a copy of a return or other document that is reproduced as permitted by subsection (1) and certified under the

registrar's signature as a true copy is admissible in evidence without proof of the signature or official character of the person appearing to have signed the copy and, in the absence of evidence to the contrary, has the same probative force as the original would have if it were proved in the ordinary way.

1995, c. 12, s. 3.

REGISTRY

Registrar **8.** The Registrar General of Canada may designate any person employed in the office of the Registrar General of Canada as the registrar for the purposes of this Act.

Registry **9.** (1) The registrar shall establish and maintain a registry in which shall be kept a record of all returns and other documents submitted to the registrar under this Act.

Form of registry (2) The registry shall be organized in such manner and kept in such form as the registrar may determine.

Audit (3) The registrar may verify the information contained in any return or other document submitted to the registrar under this Act.

Access to registry (4) The registry shall be open to public inspection at such place and at such reasonable hours as the registrar may determine.

R.S., 1985, c. 44 (4th Supp.), s. 9; 1995, c. 12, s. 5.

Interpretation bulletins **10.** (1) The registrar may issue advisory opinions and interpretation bulletins with respect to the enforcement, interpretation or application of this Act other than under sections 10.2 to 10.6.

Interpretation bulletins not statutory instruments (2) The advisory opinions and interpretation bulletins are not statutory instruments for the purposes of the *Statutory Instruments Act* and are not binding.

R.S., 1985, c. 44 (4th Supp.), s. 10; 1995, c. 12, s. 5; 2004, c. 7, s. 20.

LOBBYISTS' CODE OF CONDUCT

10.1 [Repealed, 2004, c. 7, s. 21]

Lobbyists' Code of Conduct **10.2** (1) The registrar shall develop a Lobbyists' Code of Conduct respecting the activities described in subsections 5(1), 6(1) and 7(1).

Consultation (2) In developing the Code, the registrar shall consult persons and organizations that the registrar considers are interested in the Code.

Referral (3) The Code shall be referred to a committee of the House of Commons before being published under subsection (4).

Code not a statutory instrument (4) The Code is not a statutory instrument for the purposes of the *Statutory Instruments Act*, but the Code shall be published in the *Canada Gazette*.

1995, c. 12, s. 5; 2004, c. 7, s. 22.

Compliance with Code **10.3** (1) The following individuals shall comply with the Code:

(a) an individual who is required to file a return under subsection 5(1) or 6(1);

and

(b) an individual who, in accordance with paragraph 7(3)(f), is named in a return filed under subsection 7(1).

Non-application of section 126 of the *Criminal Code*

(2) Section 126 of the *Criminal Code* does not apply in respect of a contravention of subsection (1).

1995, c. 12, s. 5.

Investigation of breaches

10.4 (1) Where the registrar believes on reasonable grounds that a person has breached the Code, the registrar shall investigate to determine whether a breach has occurred.

Powers of investigation

(2) For the purpose of conducting the investigation, the registrar may

(a) in the same manner and to the same extent as a superior court of record,

(i) summon and enforce the attendance of persons before the registrar and compel them to give oral or written evidence on oath, and

(ii) compel persons to produce any documents or other things that the registrar considers necessary for the investigation, including any record of a payment received, disbursement made or expense incurred by an individual who is required to file a return under subsection 5(1) or 6(1) or by an individual who, in accordance with paragraph 7(3)(f), is named in a return filed under subsection 7(1), in respect of any matter referred to in any of subparagraphs 5(1)(a)(i) to (vi) or paragraphs 6(1)(a) to (e) or 7(1)(a) to (e), as the case may be; and

(b) administer oaths and receive and accept information, whether or not it would be admissible as evidence in a court of law.

Investigation in private

(3) The investigation shall be conducted in private.

Evidence in other proceedings

(4) Evidence given by a person in the investigation and evidence of the existence of the investigation are inadmissible against the person in a court or in any other proceeding, other than in a prosecution of a person for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made to the registrar.

Opportunity to present views

(5) Before finding that a person has breached the Code, the registrar shall give the person a reasonable opportunity to present their views to the registrar.

Confidentiality

(6) The registrar, and every person acting on behalf of or under the direction of the registrar, may not disclose any information that comes to their knowledge in the performance of their duties and functions under this section, unless

(a) the disclosure is, in the opinion of the registrar, necessary for the purpose of conducting an investigation under this section or establishing the grounds for any findings or conclusions contained in a report under section 10.5; or

(b) the information is disclosed in a report under section 10.5 or in the course of a prosecution for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made to the registrar.

1995, c. 12, s. 5; 2004, c. 7, s. 23.

Report

10.5 (1) After conducting an investigation, the registrar shall prepare a report of the investigation, including the findings, conclusions and reasons for the registrar's conclusions, and submit it to the Registrar General of Canada who shall cause a copy of it to be laid before each House of Parliament on any of the first fifteen sitting days on which that House is sitting after it is received.

Contents of report

(2) The report may contain details of any payment received, disbursement made or expense incurred by an individual who is required to file a return under subsection 5(1) or 6(1) or by an individual who, in accordance with paragraph 7(3)(f), is named in a return filed under subsection 7(1), in respect of any matter referred to in any of subparagraphs 5(1)(a)(i) to (vi) or paragraphs 6(1)(a) to (e) or 7(1)(a) to (e), as the case may be, if the registrar considers publication of the details to be in the public interest.

1995, c. 12, s. 5; 2004, c. 7, s. 23.

Annual report

10.6 The registrar shall, within three months after the end of each fiscal year, prepare a report with regard to the exercise of the powers, duties and functions conferred on the registrar under this Act during the fiscal year and submit the report to the Registrar General of Canada who shall cause a copy of it to be laid before each House of Parliament on any of the first fifteen sitting days on which that House is sitting after it is received.

1995, c. 12, s. 5; 2004, c. 7, s. 23.

ANNUAL REPORT

Annual report

11. (1) The registrar shall, within three months after the end of each fiscal year, prepare a report with regard to the administration of this Act, other than sections 10.2 to 10.6, during that fiscal year and submit the report to the Registrar General of Canada.

Tabling

(2) The Registrar General of Canada shall cause a copy of the report prepared pursuant to subsection (1) to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after it is received.

R.S., 1985, c. 44 (4th Supp.), s. 11; 1995, c. 12, s. 6; 2004, c. 7, s. 24.

REGULATIONS

Regulations

12. The Governor in Council may make regulations

(a) requiring a fee to be paid on the filing of a return or a return of a class of returns under section 5, 6 or 7, or for any service performed or the use of any facility provided by the registrar, and prescribing the fee or the manner of determining it;

(b) respecting the submission of returns or other documents to the registrar under this Act, including those that may be submitted in an electronic or other form under section 7.2, the persons or classes of persons by whom they may be submitted in that form and the time at which they are deemed to be received by the registrar;

(c) respecting the entering or recording of any return or other document under section 7.3;

(d) prescribing any matter or thing that by this Act is to be or may be prescribed; and

(e) generally for carrying out the purposes and provisions of this Act.

R.S., 1985, c. 44 (4th Supp.), s. 12; 1995, c. 12, s. 7.

RECOVERY OF FEES

Recovery of fees

13. Any fee required by the regulations to be paid constitutes a debt due to Her Majesty in right of Canada and may be recovered in any court of competent jurisdiction.

R.S., 1985, c. 44 (4th Supp.), s. 13; 1995, c. 12, s. 7.

OFFENCES AND PUNISHMENT

Contravention of Act or regulations

14. (1) Every individual who contravenes any provision of this Act, other than subsection 10.3(1), or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five thousand dollars.

False or misleading statements

(2) Every individual who knowingly makes any false or misleading statement in any return or other document submitted to the registrar under this Act, whether in electronic or other form, is guilty of an offence and liable

(a) on summary conviction, to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding six months, or to both; and

(b) on proceedings by way of indictment, to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding two years, or to both.

Limitation of proceedings

(3) Proceedings by way of summary conviction in respect of an offence under this section may be instituted at any time within but not later than two years after the time when the subject-matter of the proceedings arose.

R.S., 1985, c. 44 (4th Supp.), s. 14; 1995, c. 12, s. 7.

COMING INTO FORCE

Coming into force

***15.** This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation.

*[Note: Act in force September 30, 1989, see SI/89-193.]

AMENDMENTS NOT IN FORCE

-- 2003, c. 10, ss. 1 to 17:

1. The third paragraph of the preamble of the *Lobbyists Registration Act* is replaced by the following:

AND WHEREAS it is desirable that public office holders and the public be able to know who is engaged in lobbying activities;

1995, c. 12, s. 1(1)

2. Paragraph (d) of the definition "organization" in subsection 2(1) of the Act is replaced by the following:

(d) a partnership, trust, association, charitable society, coalition or interest group,

1994, c. 35, s. 36;
2000, c. 7, s. 24

3. (1) Paragraphs 4(1)(d.1) and (d.2) of the Act are replaced by the following:

(d.1) members of an aboriginal government or institution that exercises jurisdiction or authority under a self-government agreement, or under self-government provisions contained in a land claims agreement, given effect by or under an Act of Parliament, persons on the staff of those members or employees of that government or institution;

1995, c. 12, s. 2(2)

(2) Paragraphs 4(2)(b) and (c) of the Act are replaced by the following:

(b) any oral or written communication made to a public office holder by an individual on behalf of any person or organization with respect to the enforcement, interpretation or application of any Act of Parliament or regulation by that public office holder with respect to that person or organization; or

(c) any oral or written communication made to a public office holder by an individual on behalf of any person or organization if the communication is restricted to a request for information.

1995, c. 12, s. 3

Requirement to file
return

4. (1) Subsection 5(1) of the Act is replaced by the following:

5. (1) An individual shall file with the registrar, in the prescribed form and manner, a return setting out the information referred to in subsection (2), if the individual, for payment, on behalf of any person or organization (in this section referred to as the "client"), undertakes to

(a) communicate with a public office holder in respect of

(i) the development of any legislative proposal by the Government of Canada or by a member of the Senate or the House of Commons,

(ii) the introduction of any Bill or resolution in either House of Parliament or the passage, defeat or amendment of any Bill or resolution that is before either House of Parliament,

(iii) the making or amendment of any regulation as defined in subsection 2(1) of the *Statutory Instruments Act*,

(iv) the development or amendment of any policy or program of the Government of Canada,

(v) the awarding of any grant, contribution or other financial benefit by or on behalf of Her Majesty in right of Canada, or

(vi) the awarding of any contract by or on behalf of Her Majesty in right of Canada; or

(b) arrange a meeting between a public office holder and any other person.

Time limits for filing returns

(1.1) An individual shall file a return

(a) not later than ten days after entering into an undertaking referred to in subsection (1); and

(b) subject to subsections (1.2) and (1.3), not later than thirty days after the expiry of every six-month period after the day on which a return is filed under paragraph (a).

Exception if change provided

(1.2) Where an individual provides a change to information or newly acquired information under subsection (3), a return under paragraph (1.1)(b) shall be filed not later than thirty days after the expiry of every six-month period after the last day on which a change or newly acquired information is provided under that subsection.

Completion or termination of undertaking

(1.3) An individual is not required to file a return under paragraph (1.1)(b) with respect to an undertaking if the individual completes or terminates the undertaking and advises the registrar of that fact in the prescribed form and manner before the expiry of the period within which the return must be filed under that paragraph.

1995, c. 12, s. 3;
1999, c. 31, s. 163(F)

(2) Paragraph 5(2)(e.1) of the Act is replaced by the following:

(e.1) if the client is funded in whole or in part by a government or government agency, the name of the government or agency, as the case may be, and the amount of funding received;

1995, c. 12, s. 3

(3) Paragraph 5(2)(f) of the Act is replaced by the following:

(f) particulars to identify the subject-matter in respect of which the individual undertakes to communicate with a public office holder or to arrange a meeting, and any other information respecting the subject-matter that is prescribed;

1995, c. 12, s. 3

(4) Paragraph 5(2)(g) of the French version of the Act is replaced by the following:

g) le fait, le cas échéant, que le paiement est constitué en tout ou en partie d'honoraires conditionnels et donc subordonné à l'influence qu'il réussit à exercer sur l'une des mesures visées aux sous-alinéas (1)a)(i) à (vi);

1995, c. 12, s. 3

(5) Paragraphs 5(2)(i) and (j) of the Act are replaced by the following:

(h.1) if the individual is a former public officer holder, a description of the offices held;

(i) the name of any department or other governmental institution in which any public office holder with whom the individual communicates or expects to communicate in respect of any matter described in subparagraphs (1)(a)(i) to (vi) or with whom a meeting is, or is to be, arranged, is employed or serves;

(j) if the individual undertakes to communicate with a public office holder in respect of any matter described in subparagraphs (1)(a)(i) to (vi), particulars to identify any communication technique that the individual uses or expects to use in connection with the communication with the public office holder, including any appeals to members of the public through the mass media or by direct communication that seek to persuade those members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion (in this Act referred to

as "grass-roots communication"); and

1995, c. 12, s. 3

(6) Subsection 5(4) of the Act is repealed.

1995, c. 12, s. 3

(7) Subsection 5(7) of the Act is replaced by the following:

For greater certainty

(7) For greater certainty, an individual who undertakes to communicate with a public office holder as described in paragraph (1)(a) is not required to file more than one return with respect to the undertaking, even though the individual, in connection with that undertaking, communicates with more than one public office holder or communicates with one or more public office holders on more than one occasion.

1995, c. 12, s. 3;
1999, c. 21, s. 164(F)

5. Section 6 of the Act and the heading before it are repealed.

1995, c. 12, s. 3

6. The heading before section 7 of the Act is replaced by the following:

In-house Lobbyists (Corporations and Organizations)

1995, c. 12, s. 3

7. (1) Subsections 7(1) to (4) of the Act are replaced by the following:

Requirement to file
return

7. (1) The officer responsible for filing returns for a corporation or organization shall file with the registrar, in the prescribed form and manner, a return setting out the information referred to in subsection (3) if

(a) the corporation or organization employs one or more individuals any part of whose duties is to communicate with public office holders on behalf of the employer or, if the employer is a corporation, on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary, in respect of

(i) the development of any legislative proposal by the Government of Canada or by a member of the Senate or the House of Commons,

(ii) the introduction of any Bill or resolution in either House of Parliament or the passage, defeat or amendment of any Bill or resolution that is before either House of Parliament,

(iii) the making or amendment of any regulation as defined in subsection 2(1) of the *Statutory Instruments Act*,

(iv) the development or amendment of any policy or program of the Government of Canada, or

(v) the awarding of any grant, contribution or other financial benefit by or on behalf of Her Majesty in right of Canada; and

(b) those duties constitute a significant part of the duties of one employee or would constitute a significant part of the duties of one employee if they were performed by only one employee.

Time limits for filing
returns

(2) The officer responsible for filing returns shall file a return

(a) not later than two months after the day on which the requirement to file a return first arises under subsection (1); and

(b) subject to subsection (2.1), not later than thirty days after the expiry of every

Termination of activities

six-month period after the day on which a return is filed under paragraph (a).

(2.1) The officer responsible for filing returns is not required to file a return under paragraph (2)(b) if

(a) the employer no longer employs any employees whose duties are as described in paragraphs (1)(a) and (b); and

(b) the officer responsible for filing returns advises the registrar of the circumstances described in paragraph (a) in the prescribed form and manner before the expiry of the period within which the return must be filed under paragraph (2)(b).

Contents of return

(3) The return shall set out the following information:

(a) the name and business address of the officer responsible for filing returns;

(b) the name and business address of the employer;

(b.1) if the employer is a corporation, the name and business address of every subsidiary of the corporation that, to the knowledge of the officer responsible for filing returns, has a direct interest in the outcome of an employee's activities on behalf of the employer in respect of any matter described in subparagraphs (1)(a)(i) to (v);

(b.2) if the employer is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation;

(c) a description in summary form of the employer's business or activities and any other information to identify its business or activities that is prescribed;

(d) if the employer is an organization, a description of the organization's membership and any other information to identify its membership that is prescribed;

(e) if the employer is funded in whole or in part by a government or government agency, the name of the government or agency, as the case may be, and the amount of funding received;

(f) if the employer is an organization, the name of each employee any part of whose duties is as described in paragraph (1)(a);

(f.1) if the employer is a corporation, the name of

(i) each senior officer any part of whose duties is as described in paragraph (1)(a), and

(ii) any other employee any part of whose duties is as described in paragraph (1)(a), if that part constitutes a significant part of the duties of that employee;

(g) if the return is filed under paragraph (2)(a), particulars to identify the subject-matter of any communication between any employee named in the return and a public office holder in respect of any matter described in subparagraphs (1)(a)(i) to (v) during the period between the date on which the requirement to file a

return first arises under subsection (1) and the date of filing, and any other information respecting that subject-matter that is prescribed;

(h) if the return is filed under paragraph (2)(b), particulars to identify the subject-matter of any communication between any employee named in the return and a public office holder in respect of any matter described in subparagraphs (1)(a)(i) to (v) during a six-month period referred to in paragraph (2)(b) and any other information respecting that subject-matter that is prescribed;

(h.1) if any employee named in the return communicates with a public office holder in respect of any matter described in subparagraphs (1)(a)(i) to (v) during the period between the expiry of a six-month period referred to in paragraph (2)(b) and the date on which the return is filed under that paragraph, particulars to identify the subject-matter of the communication and any other information respecting that subject-matter that is prescribed;

(h.2) if any employee named in the return is expected to communicate with a public office holder in respect of any matter described in subparagraphs (1)(a)(i) to (v) during the six-month period after the date of filing under paragraph (2)(a), or during the six-month period after the expiry of a six-month period referred to in paragraph (2)(b), particulars to identify the subject-matter of the communication and any other information respecting that subject-matter that is prescribed;

(h.3) if any employee named in the return is a former public office holder, a description of the offices held;

(i) particulars to identify any relevant legislative proposal, Bill, resolution, regulation, policy, program, grant, contribution or financial benefit;

(j) the name of any department or other governmental institution in which a public office holder is employed or serves, if any employee named in the return,

(i) communicates with the public office holder in respect of any matter described in subparagraphs (1)(a)(i) to (v) during the period referred to in paragraph (g), (h) or (h.1), or

(ii) is expected to communicate with the public office holder in respect of any matter described in subparagraphs (1)(a)(i) to (v) during either of the periods referred to in paragraph (h.2);

(k) particulars to identify any communication technique, including grass-roots communication within the meaning of paragraph 5(2)(j), that any employee named in the return

(i) uses in connection with any communication in respect of any matter described in subparagraphs (1)(a)(i) to (v) during the period referred to in paragraph (g), (h) or (h.1), or

(ii) is expected to use in connection with any communication in respect of any matter described in subparagraphs (1)(a)(i) to (v) during either of the periods referred to in paragraph (h.2); and

(l) any other information that is prescribed that relates to the identity of the officer responsible for filing returns, the employer, any subsidiary referred to in paragraph (b.1), any corporation referred to in paragraph (b.2) of which the

	employer is a subsidiary, any employee referred to in paragraph (f) or (f.1) or any department or institution referred to in paragraph (j).
Changes to information	(4) If an employee who has been named in a return no longer performs any of the duties described in paragraph (1)(a) or is no longer employed by the employer, the officer responsible for filing returns shall, in the prescribed form and manner, not later than thirty days after the change occurs, advise the registrar of the change.
1995, c. 12, s. 3	(2) Subsection 7(5) of the English version of the Act is replaced by the following:
Information requested by registrar	(5) If the registrar requests information to clarify any information that has been provided to the registrar under this section, the officer responsible for filing returns shall, in the prescribed form and manner, not later than thirty days after the request is made, provide the registrar with the information.
1995, c. 12, s. 3	(3) The definition "premier dirigeant" in subsection 7(6) of the French version of the Act is repealed.
1995, c. 12, s. 3	(4) The definition "senior officer" in subsection 7(6) of the English version of the Act is replaced by the following:
"senior officer" « cadre dirigeant »	"senior officer", in respect of a corporation, means <ul style="list-style-type: none"> (a) a chief executive officer, chief operating officer or president of the corporation, or (b) any other officer who reports directly to the chief executive officer, chief operating officer or president of the corporation.
	(5) Subsection 7(6) of the Act is amended by adding the following in alphabetical order:
"officer responsible for filing returns" « déclarant »	"officer responsible for filing returns" means the employee who holds the most senior office in a corporation or organization and is compensated for the performance of their duties;
	(6) Subsection 7(6) of the French version of the Act is amended by adding the following in alphabetical order:
« cadre dirigeant » "senior officer"	« cadre dirigeant » S'entend : <ul style="list-style-type: none"> a) du premier dirigeant, du directeur de l'exploitation ou du président de la personne morale; b) de tout autre dirigeant qui relève directement du premier dirigeant, du directeur de l'exploitation ou du président de la personne morale.
1995, c. 12, s. 5	8. Subsection 10.2(1) of the Act is replaced by the following:
Lobbyists' Code of Conduct	10.2 (1) The Ethics Counsellor shall develop a Lobbyists' Code of Conduct respecting the activities described in subsections 5(1) and 7(1).
1995, c. 12, s. 5	9. Subsection 10.3(1) of the Act is replaced by the following:
Compliance with Code	10.3 (1) The following individuals shall comply with the Code:

(a) an individual who is required to file a return under subsection 5(1); and

(b) an employee who, in accordance with paragraph 7(3)(f) or (f.1), is named in a return filed under subsection 7(1).

1995, c. 12, s. 5

10. (1) Subparagraph 10.4(2)(a)(ii) of the Act is replaced by the following:

(ii) compel persons to produce any documents or other things that the Ethics Counsellor considers necessary for the investigation, including any record of a payment received, disbursement made or expense incurred by an individual who is required to file a return under subsection 5(1) or by an employee who, in accordance with paragraph 7(3)(f) or (f.1), is named in a return filed under subsection 7(1), in respect of any matter referred to in any of subparagraphs 5(1)(a)(i) to (vi) or 7(1)(a)(i) to (v), as the case may be; and

(2) Subsection 10.4(6) of the Act is amended by striking out the word "or" at the end of paragraph (a), by adding the word "or" at the end of paragraph (b) and by adding the following after paragraph (b):

(c) the Ethics Counsellor believes on reasonable grounds that the disclosure is necessary for the purpose of advising a peace officer having jurisdiction to investigate an alleged offence under this or any other Act of Parliament or of the legislature of a province.

(3) Section 10.4 of the Act is amended by adding the following after subsection (6):

Advice to peace officers

(7) If, during the course of performing duties and functions under this section, the Ethics Counsellor believes on reasonable grounds that a person has committed an offence under this or any other Act of Parliament or of the legislature of a province, the Ethics Counsellor shall advise a peace officer having jurisdiction to investigate the alleged offence.

Suspension of investigation

(8) The Ethics Counsellor must immediately suspend an investigation under this section of an alleged breach of the Code by any person if

(a) the Ethics Counsellor believes on reasonable grounds that the person has committed an offence under this or any other Act of Parliament or of the legislature of a province in respect of the same subject-matter; or

(b) it is discovered that the subject-matter of the investigation under this section is also the subject-matter of an investigation to determine whether an offence referred to in paragraph (a) has been committed or that a charge has been laid with respect to that subject-matter.

Investigation continued

(9) The Ethics Counsellor may not continue an investigation under this section until any investigation or charge regarding the same subject-matter has been finally disposed of.

1995, c. 12, s. 5

11. Subsection 10.5(2) of the Act is replaced by the following:

Contents of report

(2) The report may contain details of any payment received, disbursement made or expense incurred by an individual who is required to file a return under subsection 5(1) or by an employee who, in accordance with paragraph 7(3)(f) or (f.1), is named in a return filed under subsection 7(1), in respect of any matter referred to in any of subparagraphs 5(1)(a)(i) to (vi) or 7(1)(a)(i) to (v), as the case may be, if the Ethics Counsellor considers publication of the details to be in the public interest.

1995, c. 12, s. 7

12. Paragraph 12(a) of the Act is replaced by the following:

(a) requiring a fee to be paid on the filing of a return or a return of a class of returns under section 5 or 7, or for any service performed or the use of any facility provided by the registrar, and prescribing the fee or the manner of determining it;

13. The Act is amended by adding the following after section 14:

REVIEW BY PARLIAMENT

Review of Act by
parliamentary
committee

14.1 (1) A comprehensive review of the provisions and operation of this Act must be undertaken, every five years after this section comes into force, by the committee of the Senate, of the House of Commons, or of both Houses of Parliament, that may be designated or established for that purpose.

Review and report

(2) The committee referred to in subsection (1) must, within a year after the review is undertaken or within any further period that the Senate, the House of Commons, or both Houses of Parliament, as the case may be, may authorize, submit a report on the review to Parliament that includes a statement of any changes to this Act or its operation that the committee recommends.

TRANSITIONAL PROVISIONS

Interpretation

Definitions

14. The following definitions apply in sections 15 to 17.

"new Act" « *nouvelle loi* »

"new Act" means the *Lobbyists Registration Act* as it reads on the day on which this Act comes into force.

"old Act" « *ancienne loi* »

"old Act" means the *Lobbyists Registration Act* as it read immediately before the day on which this Act comes into force.

*Filings by Consultant Lobbyists*Requirement to file
return

15. (1) Subject to subsection (2), if, on the day on which this Act comes into force, an individual is engaged in an undertaking described in subsection 5(1) of the new Act, the individual shall, not later than two months after the day on which this Act comes into force, file a return with respect to the undertaking with the registrar in accordance with subsection 5(1) of the new Act.

Exception

(2) An individual is deemed to have filed a return with respect to an undertaking in accordance with subsection (1) if

(a) the individual filed a return with respect to the undertaking in accordance with subsection 5(1) of the old Act within the five months before the day on which this Act comes into force;

(b) there is no change to the information provided in the return referred to in paragraph (a); and

(c) the individual has no knowledge of any information required to be provided under subsection 5(2) of the new Act that was not provided in the return referred to in paragraph (a).

Deemed date of filing

(3) For the purpose of paragraph 5(1.1)(b) of the new Act, the day on which a return referred to in subsection (1) or paragraph (2)(a) is filed is deemed to be the date of filing a return under paragraph 5(1.1)(a) of the new Act.

Filings by In-house Lobbyists (Corporations)

Requirement to file return

16. If, on the day on which this Act comes into force, a corporation employs one or more employees whose duties are as described in paragraphs 7(1)(a) and (b) of the new Act, the officer responsible for filing returns, as defined in subsection 7(6) of the new Act, shall, not later than two months after the day on which this Act comes into force, file a return with the registrar in accordance with subsection 7(1) of the new Act.

Filings by In-house Lobbyists (Organizations)

Requirement to file return

17. (1) Subject to subsection (2), if, on the day on which this Act comes into force, an organization employs one or more employees whose duties are as described in paragraphs 7(1)(a) and (b) of the new Act, the officer responsible for filing returns, as defined in subsection 7(6) of the new Act, shall, not later than two months after the day on which this Act comes into force, file a return with the registrar in accordance with subsection 7(1) of the new Act.

Exception

(2) An officer responsible for filing returns for an organization is deemed to have filed a return in accordance with subsection (1) if

(a) the senior officer of the organization, as defined in subsection 7(6) of the old Act, filed a return in accordance with subsection 7(1) of the old Act within the five months before the day on which this Act comes into force;

(b) there is no change to the information provided in the return referred to in paragraph (a); and

(c) the officer responsible for filing returns has no knowledge of any information required to be provided under subsection 7(3) of the new Act that was not provided in the return referred to in paragraph (a).

Deemed date of filing

(3) For the purpose of paragraph 7(2)(b) of the new Act, the day on which a return referred to in subsection (1) or paragraph (2)(a) is filed is deemed to be the date of filing a return under paragraph 7(2)(a) of the new Act.

-- 2004, c. 7, s. 39:

Bill C-15

39. If Bill C-15, introduced in the 2nd session of the 37th Parliament and entitled *An Act to amend the Lobbyists Registration Act* (the "other Act"), receives royal assent, then the provisions mentioned in subsections (2) to (4) are amended as provided in those subsections.

(2) On the later of the coming into force of section 8 of the other Act and subsection 22(1) of this Act, subsection 10.2(1) of the *Lobbyists Registration Act* is replaced by the following:

Lobbyists' Code of Conduct

10.2 (1) The registrar shall develop a Lobbyists' Code of Conduct respecting the activities described in subsections 5(1) and 7(1).

(3) On the later of the coming into force of section 10 of the other Act and section 23 of this Act,

(a) subparagraph 10.4(2)(a)(ii) of the *Lobbyists Registration Act* is replaced by the following:

(ii) compel persons to produce any documents or other things that the registrar considers necessary for the investigation, including any record of a payment received, disbursement made or expense incurred by an individual who is required to file a return under subsection 5(1) or by an employee who, in accordance with paragraph 7(3)(f) or (f.1), is named in a return filed under subsection 7(1), in respect of any matter referred to in any of subparagraphs 5(1)(a)(i) to (vi) or 7(1)(a)(i) to (v), as the case may be; and

(b) subsection 10.4(6) of the *Lobbyists Registration Act* is amended by striking out the word "or" at the end of paragraph (a), by adding the word "or" at the end of paragraph (b) and by adding the following after paragraph (b):

(c) the registrar believes on reasonable grounds that the disclosure is necessary for the purpose of advising a peace officer having jurisdiction to investigate an alleged offence under this or any other Act of Parliament or of the legislature of a province.

(c) section 10.4 of the *Lobbyists Registration Act* is amended by adding the following after subsection (6):

Advice to peace officers

(7) If, during the course of performing duties and functions under this section, the registrar believes on reasonable grounds that a person has committed an offence under this or any other Act of Parliament or of the legislature of a province, the registrar shall advise a peace officer having jurisdiction to investigate the alleged offence.

Suspension of investigation

(8) The registrar must immediately suspend an investigation under this section of an alleged breach of the Code by any person if

(a) the registrar believes on reasonable grounds that the person has committed an offence under this or any other Act of Parliament or of the legislature of a province in respect of the same subject-matter; or

(b) it is discovered that the subject-matter of the investigation under this section is also the subject-matter of an investigation to determine whether an offence referred to in paragraph (a) has been committed or that a charge has been laid with respect to that subject-matter.

Investigation continued

(9) The registrar may not continue an investigation under this section until any investigation or charge regarding the same subject-matter has been finally disposed of.

(4) On the later of the coming into force of section 11 of the other Act and section 23 of this Act, subsection 10.5(2) of the *Lobbyists Registration Act* is replaced by the following:

Contents of report

(2) The report may contain details of any payment received, disbursement made or expense incurred by an individual who is required to file a return under subsection 5(1) or by an employee who, in accordance with paragraph 7(3)(f) or (f.1), is named in a return filed under subsection 7(1), in respect of any matter

referred to in any of subparagraphs 5(1)(a)(i) to (vi) or 7(1)(a)(i) to (v), as the case may be, if the registrar considers publication of the details to be in the public interest.

-- 2004, c. 17, s. 17:

17. Subsection 4(1) of the *Lobbyists Registration Act* is amended by adding the following after paragraph (d.2):

(d.3) members of the council, as defined in the Westbank First Nation Self-Government Agreement given effect by the *Westbank First Nation Self-Government Act*, or persons on the staff of the council or of a member of the council;

-- 2004, c. 17, s. 20:

2003, c. 10

20. (1) If subsection 3(1) of *An Act to amend the Lobbyists Registration Act*, chapter 10 of the Statutes of Canada, 2003 (the "other Act"), comes into force before the coming into force of section 17 of this Act, then section 17 of this Act and the heading before it are repealed on the coming into force of subsection 3(1) of the other Act or on royal assent to this Act, whichever is later.

(2) If subsection 3(1) of the other Act comes into force on or after the day on which section 17 of this Act comes into force, then paragraph 4(1)(d.3) of the *Lobbyists Registration Act*, as enacted by section 17 of this Act, is repealed on the coming into force of that subsection.

RELATED PROVISIONS

-- 1995, c. 12, ss. 12, 13:

Review

***12. (1) The *Lobbyists Registration Act* shall, on the expiration of four years after the coming into force of this section, stand referred to such committee of the Senate, of the House of Commons or of both Houses of Parliament as may be designated or established to review the administration and operation of that Act.**

*[Note: Section 12 in force January 31, 1996, see SI/95-129.]

Report

(2) The committee shall, within one year after beginning the review or within such further time as the Senate, the House of Commons or both Houses of Parliament, as the case may be, may authorize, submit a report on the review to that House or both Houses, including a statement of any changes to the *Lobbyists Registration Act* that the committee would recommend.

Definitions

***13. (1) In this section,**

"new law" « *nouvelle loi* »

"new law" means section 5 of the *Lobbyists Registration Act* as enacted by section 3 of this Act;

"old law" « *ancienne loi* »

"old law" means section 5 of the *Lobbyists Registration Act* as it read immediately before the date on which the new law comes into force.

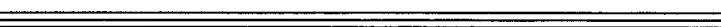
*[Note: Section 5, as enacted by 1995, c. 12, s. 3, in force January 31, 1996,

see SI/95-129.]

Transitional

***(2) Every individual who was required by the old law to submit a return to the registrar in respect of an undertaking shall, if the undertaking has not been completed or terminated before the date on which the new law comes into force, file with the registrar, not later than two months after the new law comes into force and in accordance with the new law, a return in respect of the undertaking.**

*[Note: Section 5, as enacted by 1995, c. 12, s. 3, in force January 31, 1996, see SI/95-129.]



Payment in Lieu of Taxes Act



Payments in Lieu of Taxes Act

CHAPTER M-13

An Act respecting payments in lieu of taxes to municipalities, provinces and other bodies exercising functions of local government that levy real property taxes

SHORT TITLE

Short title

1. This Act may be cited as the *Payments in Lieu of Taxes Act*.

R.S., 1985, c. M-13, s. 1; 2000, c. 8, s. 2.

INTERPRETATION

Definitions

2. (1) In this Act,

"assessed dimension"
« *dimensions
fiscales* »

"assessed dimension" means the frontage, area, other dimension or other attribute of real property or immovables established by an assessment authority for the purpose of computing a frontage or area tax;

"assessed value"
« *valeur fiscale* »

"assessed value" means the value established for any real property or immovable by an assessment authority for the purpose of computing a real property tax;

"assessment
authority" « *autorité
évaluatrice* »

"assessment authority" means an authority that has power by or under an Act of Parliament or the legislature of a province to establish the assessed dimension or assessed value of real property or immovables;

"business occupancy
tax" « *taxe
d'occupation
commerciale* »

"business occupancy tax" means a tax levied on occupants in respect of their use or occupation of real property or immovables for the purpose of or in connection with a business;

"department"
« *ministères* »

"department" means

(a) any department named in Schedule I to the *Financial Administration Act*,

(a.1) any division or branch of the public service of Canada named in Schedule I.1 to that Act,

(a.2) any commission under the *Inquiries Act* designated as a department for the purposes of the *Financial Administration Act*,

(b) any corporation established by or under an Act of Parliament or performing a function on behalf of the Government of Canada included in Schedule I to this Act;

"effective rate" « *taux
effectif* »

"effective rate" means the rate of real property tax or of frontage or area tax that, in the opinion of the Minister, would be applicable to any federal property if that property were taxable property;

"federal property"
« *propriété fédérale* »

"federal property" means, subject to subsection (3),

(a) real property and immovables owned by Her Majesty in right of Canada that are under the administration of a minister of the Crown,

(b) real property and immovables owned by Her Majesty in right of Canada that are, by virtue of a lease to a corporation included in Schedule III or IV, under the management, charge and direction of that corporation,

(c) immovables held under emphyteusis by Her Majesty in right of Canada that are under the administration of a minister of the Crown,

(d) a building owned by Her Majesty in right of Canada that is under the administration of a minister of the Crown and that is situated on tax exempt land owned by a person other than Her Majesty in right of Canada or administered and controlled by Her Majesty in right of a province, and

(e) real property and immovables occupied or used by a minister of the Crown and administered and controlled by Her Majesty in right of a province;

"frontage or area tax"
« *impôt sur la façade ou sur la superficie* »

"frontage or area tax" means any tax levied on the owners of real property or immovables that is computed by applying a rate to all or part of the assessed dimension of the property and includes any tax levied on the owners of real property or immovables that is in the nature of a local improvement tax, a development tax or a redevelopment tax, but does not include a tax in respect of mineral rights;

"Minister" « *ministre* »

"Minister" means the Minister of Public Works and Government Services;

"minister of the Crown" « *ministre fédéral* »

"minister of the Crown" means a member of the Queen's Privy Council for Canada in that member's capacity of managing and directing or having responsibility for a department;

"other attribute"
« *autre élément* »

"other attribute" includes

(a) in relation to a tax levy for the purpose of financing all or part of the capital cost of a service to real property or immovables,

(i) the actual or estimated cost of constructing a new building,

(ii) the number of rooms, living units or beds in a building, or

(iii) the number of persons in occupancy of a building, and

(b) in relation to a tax levy for the purpose of financing all or part of the operating cost of a service to real property or immovables, any prescribed criteria;

"prescribed" *Version anglaise seulement*

"prescribed" means prescribed by regulations made by the Governor in Council under section 9;

"property dimension"
« *dimensions effectives* »

"property dimension" means the frontage, area, other dimension or other attribute that, in the opinion of the Minister, would be established by an assessment authority in respect of federal property as the basis for computing the amount of any frontage or area tax that would be applicable to that property if it were taxable property;

"property value"
« *valeur effective* »

"property value" means the value that, in the opinion of the Minister, would be attributable by an assessment authority to federal property, without regard to

any mineral rights or any ornamental, decorative or non-functional features thereof, as the basis for computing the amount of any real property tax that would be applicable to that property if it were taxable property;

"real property tax"
« *impôt foncier* »

"real property tax" means a tax of general application to real property or immovables or any class of them that is

(a) levied by a taxing authority on owners of real property or immovables or, if the owner is exempt from the tax, on lessees or occupiers of real property or immovables, other than those lessees or occupiers exempt by law, and

(b) computed by applying a rate to all or part of the assessed value of taxable property;

"taxation year"
« *année d'imposition* »

"taxation year" means the fiscal year of a taxing authority;

"taxable property"
« *propriété imposable* »

"taxable property" means real property and immovables in respect of which a person may be required by a taxing authority to pay a real property tax or a frontage or area tax;

"taxing authority"
« *autorité taxatrice* »

"taxing authority" means

(a) any municipality, province, municipal or provincial board, commission, corporation or other authority that levies and collects a real property tax or a frontage or area tax pursuant to an Act of the legislature of a province,

(b) any council of a band within the meaning of the *Indian Act* that levies and collects a real property tax or a frontage or area tax pursuant to an Act of Parliament,

(c) any band within the meaning of the *Cree-Naskapi (of Quebec) Act*, chapter 18 of the Statutes of Canada, 1984, that levies and collects a tax on interests in Category IA land or Category IA-N land as defined in that Act,

(d) the Council within the meaning of the *Sechelt Indian Band Self-Government Act*, chapter 27 of the Statutes of Canada, 1986, if it levies and collects a real property tax or a frontage or area tax in respect of Sechelt lands, as defined in that Act,

(e) a first nation named in Schedule II to the *Yukon First Nations Self-Government Act*, if it levies and collects a real property tax or a frontage or area tax in respect of settlement land, as defined in that Act, or in respect of lands in which an interest is transferred or recognized under section 21 of that Act, or

(f) the Nisga'a Nation or a Nisga'a Village, as defined in the Nisga'a Final Agreement given effect by the *Nisga'a Final Agreement Act*, if it levies and collects a real property tax or a frontage or area tax in respect of Nisga'a Lands, as defined in that Agreement.

Deemed authority for purposes of the definition "taxing authority"

(2) For the purposes of the definition "taxing authority" in subsection (1), where one authority collects a real property tax or a frontage or area tax that is levied by another authority, the authority that collects the tax shall be deemed to be the authority that levies and collects the tax.

Property not included in the definition "federal property"

(3) For the purposes of the definition "federal property" in subsection (1), federal property does not include

(a) any structure or work, unless it is

(i) a building designed primarily for the shelter of people, living things, fixtures, personal property or movable property,

(ii) an outdoor swimming pool,

(iii) a golf course improvement,

(iv) a driveway for a single-family dwelling,

(v) paving or other improvements associated with employee parking, or

(vi) an outdoor theatre;

(b) any structure, work, machinery or equipment that is included in Schedule II;

(c) any real property or immovable developed and used as a park and situated within an area defined as "urban" by Statistics Canada, as of the most recent census of the population of Canada taken by Statistics Canada, other than national parks of Canada, national marine parks of Canada, national park reserves of Canada, national marine park reserves of Canada, national historic sites of Canada, national battlefields or heritage canals;

(d) any Indian reserve, or any land referred to in any of paragraphs (c) to (e) of the definition "taxing authority" in subsection 2(1), except for the part

(i) that is occupied for residential purposes by an employee of Her Majesty in right of Canada who would not, but for that employment, live on that reserve or land, or

(ii) that is occupied by a minister of the Crown;

(e) any real property or immovable for which an original Crown grant has not issued, except to the extent that it

(i) is designated for a specific use by or under an Act of Parliament, or

(ii) is used by an Indian within the meaning of the *Indian Act* or an Inuk and is prescribed under paragraph 9(1)(e);

(f) any real property for which an original Crown grant has not issued, except to the extent that it

(i) is reserved in the records of the Department of Indian Affairs and Northern Development at Whitehorse or Yellowknife for the use of a department or an agency of the Government of Canada, and is either situated within a municipality or, in the case of real property that is not situated within a municipality, used in accordance with the reservation, or

(ii) is situated within a municipality and is reserved in the records of the Department of Indian Affairs and Northern Development at Whitehorse or Yellowknife for the use of an Indian within the meaning of the *Indian Act* or an Inuk;

(g) any real property or immovable developed or used as a public highway that, in the opinion of the Minister, does not provide, as its primary function, immediate access to real property or immovables owned by Her Majesty in right of Canada; or

(h) unless otherwise prescribed, any real property or immovable leased to or occupied by a person or body, whether incorporated or not, that is not a department.

Effective rate –
experimental farms

(4) In determining the effective rate in respect of an experimental farm station, agricultural research station or other similar facility on federal property, the Minister shall take into account the rates of tax applicable to farms operated by agricultural enterprises.

R.S., 1985, c. M-13, s. 2; R.S., 1985, c. 20 (2nd Supp.), s. 5; 1991, c. 50, s. 32; 1992, c. 1, ss. 97, 141; 1994, c. 35, s. 37; 1996, c. 16, s. 60; 2000, c. 7, s. 25, c. 8, s. 3, c. 32, ss. 56, 70.1.

PURPOSE OF ACT

Purpose

2.1 The purpose of this Act is to provide for the fair and equitable administration of payments in lieu of taxes.

2000, c. 8, s. 4.

AUTHORITY TO MAKE PAYMENTS

Authority to make
payments

3. (1) The Minister may, on receipt of an application in a form provided or approved by the Minister, make a payment out of the Consolidated Revenue Fund to a taxing authority applying for it

(a) in lieu of a real property tax for a taxation year, and

(b) in lieu of a frontage or area tax

in respect of federal property situated within the area in which the taxing authority has the power to levy and collect the real property tax or the frontage or area tax.

Delayed payments

(1.1) If the Minister is of the opinion that a payment under subsection (1) or part of one has been unreasonably delayed, the Minister may supplement the payment.

Maximum payable

(1.2) The supplement shall not exceed the product obtained by multiplying the amount not paid by the rate of interest prescribed for the purpose of section 155.1 of the *Financial Administration Act*, calculated over the period that, in the opinion of the Minister, the payment has been delayed.

Authority to make
payments

(2) Notwithstanding anything in this Act, if real property or immovables are prescribed to be included in the definition "federal property" under paragraph 9(1) (d) or (e), a payment may be made in respect of that property for the entire taxation year in which the prescription is made.

Application to
Schedule I
corporations

(3) In respect of a corporation included in Schedule I, a payment may be made under this section only in respect of the real property or immovables of the corporation specified in that Schedule or prescribed by the Governor in Council.

Taxing authority

(4) For the purpose of subsection (1), a taxing authority in respect of federal

property described in paragraph 2(3)(d) means a council, band or first nation referred to in any of paragraphs (b) to (e) of the definition "taxing authority" in subsection 2(1).

R.S., 1985, c. M-13, s. 3; 2000, c. 8, s. 5.

Payments for leased property

3.1 Real property and immovables referred to in paragraph 2(3)(h) are deemed to be federal property for a taxation year if

(a) as of the day following the last day of the taxation year, all or part of the real property tax or the frontage or area tax on the property for that taxation year remains unpaid; and

(b) the Minister is of the opinion that the taxing authority has made all reasonable efforts to collect the tax and there is no likelihood that the authority will ever be able to collect it.

2000, c. 8, s. 5.

CALCULATION OF PAYMENTS

Payments in lieu of real property tax

4. (1) Subject to subsections (2) and (3) and 5(1) and (2), a payment referred to in paragraph 3(1)(a) shall not exceed the product of

(a) the effective rate in the taxation year applicable to the federal property in respect of which the payment may be made, and

(b) the property value in the taxation year of that federal property.

Rate for school purposes

(2) Where all or part of the real property tax levied by a taxing authority in a taxation year is for school purposes and is levied at different rates

(a) for taxpayers of different religious denominations, or

(b) for taxpayers of different religious denominations and for different classes of taxable property,

there shall be substituted for the effective rate referred to in paragraph (1)(a) a rate equal to the rate calculated in accordance with subsection (3).

Calculation of rate to be substituted

(3) For the purposes of subsection (2), the rate substituted for the effective rate referred to in paragraph (1)(a) shall be a rate equal to the aggregate of that part of the effective rate in the taxation year that is used in determining the amount of the real property tax that is levied for purposes other than school purposes, and

(a) if paragraph (2)(a) applies, a rate for school purposes determined by dividing

(i) the portion of the real property tax levied for school purposes by the taxing authority in the taxation year,

by

(ii) the assessed value of all taxable property under the jurisdiction of the taxing authority in respect of which such portion of the real property tax for

school purposes is levied in the taxation year, or

(b) if paragraph (2)(b) applies, a rate for school purposes for each class of taxable property determined by dividing

(i) the portion of the real property tax levied for school purposes by the taxing authority in respect of property of that class in the taxation year,

by

(ii) the assessed value of all taxable property of that class under the jurisdiction of the taxing authority in respect of which that portion of the real property tax for school purposes is levied in the taxation year.

R.S., 1985, c. M-13, s. 4; 2000, c. 8, s. 7.

Full amount of payment not budgeted

5. (1) If, for any taxation year,

(a) a real property tax rate is established by a taxing authority without taking into account all federal property situated within the area in which the taxing authority has the power to levy and collect a real property tax, and

(b) the property value of the federal property not taken into account exceeds 25 per cent of the total assessed value of taxable property situated within the area in which the taxing authority has the power to levy and collect a real property tax,

the Minister may, in determining the amount of any payment to that taxing authority, make an adjustment in the effective rate or in any portion of it so that the payment will not exceed the amount described in subsection (2).

The amount over which a grant will not exceed

(2) The amount referred to in subsection (1) is the amount that would have been determined by the Minister if the property value referred to in paragraph (1) (b) that is in excess of twenty-five per cent of the total assessed value of the taxable property situated within the area in which the taxing authority referred to in subsection (1) has the power to levy and collect a real property tax, had been taken into account by the taxing authority in establishing the real property tax rate for the taxation year.

Presumption

(3) Where one authority collects a real property tax that is established by another authority, the authority that collects the tax shall, for the purposes of subsections (1) and (2), be deemed to be the authority that establishes the real property tax rate.

R.S., 1985, c. M-13, s. 5; 2000, c. 8, s. 8.

Payments in lieu of frontage or area tax

6. (1) A payment referred to in paragraph 3(1)(b) shall not exceed the product of

(a) the effective rate applicable to federal property in respect of which the payment may be made, and

(b) the property dimension of that federal property.

Option

(2) If a frontage or area tax is payable over a period of more than one year, the Minister may make a payment in lieu of that tax in annual instalments, together with interest, or in a lump sum without interest.

R.S., 1985, c. M-13, s. 6; 2000, c. 8, s. 9.

Deductions

7. In determining the amount of a payment for a taxation year under paragraph 3(1)(a), there may be deducted

(a) if there is in effect a special arrangement for the provision or financing of an educational service by Her Majesty in right of Canada, the amount established by that arrangement;

(b) if there is in effect a special arrangement for an alternative means of compensating a taxing authority, or a body on behalf of which the authority collects a real property tax, for providing a service, the amount established by that arrangement;

(c) if a taxing authority, or a body on behalf of which the authority collects a real property tax, is, in the opinion of the Minister, unable or unwilling to provide federal property with a service, and no special arrangement exists, an amount that, in the opinion of the Minister, does not exceed reasonable expenditures incurred or expected to be incurred by Her Majesty in right of Canada to provide the service; and

(d) an amount that, in the opinion of the Minister, is equal to any cancellation, reduction or refund in respect of a real property tax that the Minister considers would be applicable to the taxation year in respect of federal property if it were taxable property.

R.S., 1985, c. M-13, s. 7; 2000, c. 8, s. 9.

Deductions

8. In determining the amount of a payment under paragraph 3(1)(b), there may be deducted an amount that, in the opinion of the Minister, does not exceed reasonable expenditures incurred or expected to be incurred by Her Majesty in right of Canada to provide federal property with the service or work to which the frontage or area tax is related.

R.S., 1985, c. M-13, s. 8; 2000, c. 8, s. 9.

REGULATIONS

Regulations by
Governor in Council

9. (1) The Governor in Council may make regulations for carrying out the purposes and provisions of this Act and, without restricting the generality of the foregoing, may make regulations

(a) adding to or deleting from Schedule I any corporation established by or under an Act of Parliament or performing a function on behalf of the Government of Canada that is included in Schedule III and prescribing the real property or immovables of that corporation that are to be included in Schedule I;

(b) prescribing criteria for the purposes of paragraph (b) of the definition "other attribute" in subsection 2(1);

(c) adding to or deleting from Schedule II any structure, work, machinery or equipment to be excluded from the definition "federal property" under subsection 2(3);

(d) [Repealed, 2000, c. 8, s. 10]

(e) prescribing the real property and immovables referred to in paragraph 2(3)
(h) that are to be included in the definition "federal property" in subsection 2(1);

(f) respecting any payment that may be made in lieu of a real property tax or a frontage or area tax by any corporation included in Schedule III or IV and, without limiting the generality of the foregoing, providing that any payment that may be made shall be determined on a basis at least equivalent to that provided in this Act;

(g) respecting any payment that may be made in lieu of a business occupancy tax by every corporation included in Schedule IV;

(g.1) providing that, in respect of a taxation year starting on or after January 1, 2000, subsections 3(1.1) and (1.2) and paragraph 3.1(b) apply to corporations included in Schedule III or IV, with any modifications that the circumstances require, in respect of payments in lieu of a real property tax and a frontage or area tax and, in the case of a corporation included in Schedule IV, payments in lieu of a business occupancy tax;

(g.2) providing that section 11.1 applies to corporations included in Schedule III or IV, with any modifications that the circumstances require; and

(h) adding to or deleting from Schedule III or IV any corporation established by or under an Act of Parliament or performing a function on behalf of the Government of Canada.

Proposed regulations to be published

(2) Subject to subsection (3), a copy of each regulation that the Governor in Council proposes to make under subsection (1) shall be published in the *Canada Gazette* and a reasonable opportunity shall be afforded to interested persons to make representations to the Minister with respect thereto.

Single publication required

(3) No proposed regulation need be published more than once under subsection (2) whether or not it is altered or amended after that publication as a result of representations made by interested persons as provided in that subsection.

R.S., 1985, c. M-13, s. 9; 2000, c. 8, s. 10.

Regulations by Minister

10. The Minister may make regulations

(a) establishing a form of application for a payment under this Act;

(b) respecting the making of an interim payment in respect of a payment under this Act; and

(c) respecting the recovery of any overpayments made to a taxing authority, including recovery by way of set-off against other payments under this Act to the taxing authority.

R.S., 1985, c. M-13, s. 10; 2000, c. 8, s. 11.

PAYMENTS BY CROWN CORPORATIONS

Regulations to be complied with in making grants

11. (1) Notwithstanding any other Act of Parliament or any regulations made thereunder,

(a) every corporation included in Schedule III or IV shall, if it is exempt from real property tax, comply with any regulations made under paragraph 9(1)(f) respecting any payment that it may make in lieu of a real property tax or a frontage or area tax; and

(b) every corporation included in Schedule IV shall, if it is exempt from business occupancy tax, comply with any regulations made under paragraph 9(1)(g) respecting any payment that it may make in lieu of a business occupancy tax.

Definition of "wholly owned"

(2) For the purposes of Schedules III and IV, a corporation is wholly owned if all the shares, membership interests or other evidences of interest in the corporation to which are attached votes that may be cast to elect directors of the corporation are held, directly or indirectly, other than by way of security, by, on behalf of, or for the benefit of one of the corporations included in those Schedules.

R.S., 1985, c. M-13, s. 11; 2000, c. 8, s. 13.

ADVISORY PANEL

Appointment of members

11.1 (1) The Governor in Council shall appoint an advisory panel of at least two members from each province and territory with relevant knowledge or experience to hold office during good behaviour for a term not exceeding three years, which term may be renewed for one or more further terms. The Governor in Council shall name one of the members as Chairperson.

Removal

(1.1) A member appointed under subsection (1) may be removed for cause by the Governor in Council.

Mandate

(2) The advisory panel shall give advice to the Minister in the event that a taxing authority disagrees with the property value, property dimension or effective rate applicable to any federal property, or claims that a payment should be supplemented under subsection 3(1.1).

Duties of Chairperson

(3) The Chairperson shall supervise and direct the operation and functioning of the advisory panel.

Establishment of divisions

(4) The Chairperson may establish divisions of the advisory panel, and all or any of the powers, duties and functions of the panel may be exercised or performed by all or any of those divisions.

Payments to members

(5) Each member of the advisory panel is entitled to be paid, unless the member is employed in the public service of Canada,

(a) remuneration in an amount fixed by the Governor in Council for each day or part of a day that the member is performing duties under this Act; and

(b) reasonable travel and other expenses incurred in the course of their duties under this Act while absent from their ordinary place of residence.

2000, c. 8, s. 14.

GENERAL

Agreements respecting leased properties

12. The Minister may enter into an agreement with the government of a province respecting the making of payments under this Act on any real property or immovable situated in the province that is prescribed under paragraph 9(1)(e) to be federal property.

R.S., 1985, c. M-13, s. 12; 2000, c. 8, s. 15.

Community pasture
payment

13. Notwithstanding anything in this Act, federal property that, under an agreement with a province, is used as a community pasture may be excluded from the calculation of a payment in lieu of a real property tax if, with respect to that property, an alternative means of making a payment to a taxing authority in lieu of a real property tax is in effect.

R.S., 1985, c. M-13, s. 13; 2000, c. 8, s. 15.

Newly acquired
property

14. Notwithstanding anything in this Act, when Her Majesty in right of Canada acquires taxable property, no payment shall be made under this Act in respect of that property for any part of the taxation year during which it was acquired.

R.S., 1985, c. M-13, s. 14; 2000, c. 8, s. 15.

No right conferred

15. No right to a payment is conferred by this Act.

R.S., 1985, c. M-13, s. 15; 2000, c. 8, s. 15.

Phase-in of payments
in lieu

16. Notwithstanding anything in this Act or any regulation made under this Act, a payment in lieu of a real property tax that may be made under this Act in respect of any real property or immovable managed or held by a port authority mentioned in subsection 10(1) or 12(2) of the *Canada Marine Act* shall not exceed the following:

(a) for a taxation year beginning in 1999, 25 per cent of the payment that may, but for this section, be made under this Act;

(b) for a taxation year beginning in 2000, 50 per cent of the payment that may, but for this section, be made under this Act; and

(c) for a taxation year beginning in 2001, 75 per cent of the payment that may, but for this section, be made under this Act.

1998, c. 10, s. 182.1; 2000, c. 8, s. 16.

SCHEDULE I

(Section 2)

Canadian Museum of Civilization, with respect to the real property or immovables owned by Her Majesty in right of Canada the administration and control of which is held by the Museum, whether title to that real property or immovables is vested in the name of Her Majesty or in the name of the Museum.

Canadian Museum of Nature, with respect to real property or immovables owned by Her Majesty in right of Canada, the administration and control of which is held by the Museum whether title to the said real property or immovables is vested in the name of Her Majesty or in the name of the Museum.

Cape Breton Development Corporation, with respect to real property owned by Her Majesty in right of Canada and occupied by the Department of Transport for purposes of the Canadian Coast Guard College.

National Battlefields Commission, with respect to real property or immovables owned by Her Majesty in right of Canada the administration and control of which is held by the Commission, whether title to the said real property or immovables is vested in the name of Her Majesty or in the name of the Commission.

National Gallery of Canada, with respect to real property or immovables owned by Her Majesty in right of Canada the administration and control of which is held by the Gallery, whether title to the said real property or immovables is vested in the name of Her Majesty or in the name of the Gallery.

National Museum of Science and Technology, with respect to real property or immovables owned by Her Majesty in right of Canada the administration and control of which is held by the Museum, whether title to the said real property or immovables is vested in the name of Her Majesty or in the name of the Museum.

National Research Council of Canada, with respect to real property owned by Her Majesty in right of Canada and situated within the city of Ottawa.

Northwest Territories Housing Corporation, with respect to real property on which there are residential units owned by Her Majesty the administration and control of which is held by the Commissioner of the Northwest Territories and leased to the Corporation, and which units are used for the purposes of housing for Indians.

Queens Quay West Land Corporation, with respect to real property owned by Her Majesty in right of Canada, the administration and control of which is held by the Corporation, whether title to the said real property is vested in the name of Her Majesty or in the name of the Corporation.

R.S., 1985, c. M-13, Sch. I; SOR/86-385; SOR/88-446, s. 1; SOR/92-504, s. 2; SOR/94-738, s. 1; SOR/95-410, s. 1; SOR/96-193, 471; 2000, c. 8, s. 17; SOR/2001-494, ss. 21, 22; SOR/2003-399.

SCHEDULE II

(Section 2)

1. Canal structures--walls and locks
2. Conveyor belts and conveyance systems other than elevators and escalators, letter sorting equipment, computers, built-in cranes, lathes, drills, printing presses and weigh scales
3. Docks, wharves, piers, piles, dolphins, floats, breakwaters, retaining walls, jetties
4. Drydocks
- 4.1 (1) Fortifications including, without limiting the generality of the foregoing, improvements such as ramparts, retaining walls, stockades and outerworks composed of Redan, Salient, Bastion, Demi-Bastion, Tenaille, Curtain and similar elements

(2) For the purpose of this item, the following are components of fortifications:

escarp walls, courtyard walls, postern tunnels, sallyports, underground tunnels, underground magazines, earth ramparts, gun emplacements, parapets, banquettes, fraises, terre-plein, drawbridges, entrance gates, guèrite, machicolation, musketry galleries, ditches, moats, counterscarp galleries, caponnières, mine galleries, glacis, ravelin, reverse fire galleries, entrance cuttings, stockades, embrasures, barbettes, casemates, demi-casemates and lunettes

5. Gasoline pumps

6. Gun butts

7. Monuments

8. Penitentiary walls, fencing

9. Pole lines, transmission lines, light standards, unenclosed communications towers, unenclosed lighthouses and range lights

10. Reservoirs, storage tanks, fish-rearing ponds, fishways

11. Roads, sidewalks, aircraft runways, paving, railway tracks

12. Snow sheds, tunnels, bridges, dams

13. Water mains, sewer mains

R.S., 1985, c. M-13, Sch. II; 2000, c. 8, s. 18; SOR/2001-494, s. 23.

SCHEDULE III

(Section 2)

Atlantic Pilotage Authority

Administration de pilotage de l'Atlantique

Atomic Energy of Canada Limited

Énergie atomique du Canada, Limitée

Belledune Port Authority

Administration portuaire de Belledune

Canada Council for the Arts

Conseil des Arts du Canada

Canada Customs and Revenue Agency

Agence des douanes et du revenu du Canada

Canada Employment Insurance Commission

Commission de l'assurance-emploi du Canada

Canada Lands Company Limited

Société immobilière du Canada limitée

Canada Mortgage and Housing Corporation

Société canadienne d'hypothèques et de logement

Canada Post Corporation

Société canadienne des postes

Canadian Broadcasting Corporation

Société Radio-Canada

Canadian Centre for Occupational Health and Safety

Centre canadien d'hygiène et de sécurité au travail

Canadian Commercial Corporation

Corporation commerciale canadienne

Canadian Dairy Commission

Commission canadienne du lait

Canadian Institutes of Health Research

Instituts de recherche en santé du Canada

Canadian Museum of Civilization

Musée canadien des civilisations

Canadian Museum of Nature

Musée canadien de la nature

Canadian Nuclear Safety Commission

Commission canadienne de sûreté nucléaire

Canadian Sport and Fitness Administration Centre

Centre canadien d'administration du sport et de la condition physique

Canadian Wheat Board

Commission canadienne du blé

Cape Breton Development Corporation

Société de développement du Cap-Breton

Defence Construction (1951) Limited

Construction de défense (1951) Limitée

Director of Soldier Settlement

Directeur de l'établissement de soldats

The Director, The Veterans' Land Act

Directeur des terres destinées aux anciens combattants

Enterprise Cape Breton Corporation

Société d'expansion du Cap-Breton

Farm Credit Canada

Financement agricole Canada

The Federal Bridge Corporation Limited

La Société des ponts fédéraux Limitée

Fraser River Port Authority

Administration portuaire du fleuve Fraser

Freshwater Fish Marketing Corporation

Office de commercialisation du poisson d'eau douce

Halifax Port Authority

Administration portuaire de Halifax

Hamilton Port Authority

Administration portuaire de Hamilton

Hockey Canada

Hockey Canada

International Development Research Centre

Centre de recherches pour le développement international

Katimavik-Opcan Corporation

Corporation Katimavik-Opcan

Marine Atlantic Inc.

Marine Atlantique S.C.C.

Montreal Port Authority

Administration portuaire de Montréal

Municipal Development and Loan Board

Office du développement municipal et des prêts aux municipalités

Nanaimo Port Authority

Administration portuaire de Nanaimo

National Arts Centre Corporation

Corporation du Centre national des Arts

The National Battlefields Commission

Commission des champs de bataille nationaux

National Capital Commission

Commission de la capitale nationale

National Gallery of Canada

Musée des beaux-arts du Canada

National Museum of Science and Technology

Musée national des sciences et de la technologie

National Research Council of Canada

Conseil national de recherches du Canada

Natural Sciences and Engineering Research Council

Conseil de recherches en sciences naturelles et en génie

North Fraser Port Authority

Administration portuaire du North-Fraser

Northwest Territories Housing Corporation

Société d'habitation des Territoires du Nord-Ouest

Port Alberni Port Authority

Administration portuaire de Port-Alberni

Prince Rupert Port Authority

Administration portuaire de Prince-Rupert

Quebec Port Authority

Administration portuaire de Québec

Queens Quay West Land Corporation

Queens Quay West Land Corporation

Radio Engineering Products Limited

Radio Engineering Products Limited

Royal Canadian Mint

Monnaie royale canadienne

Saguenay Port Authority

Administration portuaire du Saguenay

Saint John Port Authority

Administration portuaire de Saint-Jean

Sept-Îles Port Authority

Administration portuaire de Sept-Îles

Social Sciences and Humanities Research Council

Conseil de recherches en sciences humaines

Sport Participation Canada

Sport Participation Canada

Standards Council of Canada

Conseil canadien des normes

St. John's Port Authority

Administration portuaire de St. John's

Telefilm Canada

Téléfilm Canada

Thunder Bay Port Authority

Administration portuaire de Thunder Bay

Toronto Port Authority

Administration portuaire de Toronto

Trois-Rivières Port Authority

Administration portuaire de Trois-Rivières

Vancouver Port Authority

Administration portuaire de Vancouver

VIA Rail Canada Inc.

VIA Rail Canada Inc.

Windsor Port Authority

Administration portuaire de Windsor

Any corporation

(a) that is wholly owned by one of the corporations listed in this Schedule;

(b) that is wholly owned by a wholly owned corporation referred to in paragraph (a); or

(c) that is wholly owned by any corporation referred to in paragraph (b).

R.S., 1985, c. M-13, Sch. III; R.S., 1985, c. 22 (1st Supp.), s. 11, c. 44 (1st Supp.), s. 4, c. 15 (2nd Supp.), s. 1, c. 28 (2nd Supp.), s. 2, c. 7 (4th Supp.), s. 6; SOR/88-446, s. 2; 1990, c. 3, s. 32; 1991, c. 38, ss. 28, 37; 1992, c. 1, s. 154; 1993, c. 1, ss. 19, 41, c. 34, s. 144; SOR/94-738, ss. 2, 3; 1995, c. 29, s. 83; SOR/95-410, s. 2; 1996, c. 11, ss. 69, 70; 1997, c. 9, ss. 107, 108; 1998, c. 10, ss. 183, 184; 1999, c. 17, s. 170, c. 31, ss. 165, 166; SOR/99-332; SOR/99-333, ss. 1, 2; 2001, c. 22, ss. 16, 17, c. 34, s. 16; SOR/2001-96; SOR/2001-494, ss. 24, 25; 2002, c. 17, ss.

14, 24.

SCHEDULE IV

(Section 2)

Bank of Canada

Banque du Canada

Business Development Bank of Canada

Banque de développement du Canada

Canada Deposit Insurance Corporation

Société d'assurance-dépôts du Canada

Canada Development Investment Corporation

Corporation d'investissements au développement du Canada

Canada Lands Company Limited

Société immobilière du Canada Limitée

Eldorado Nuclear Limited

Eldorado Nucléaire Limitée

Export Development Canada

Exportation et développement Canada

Great Lakes Pilotage Authority

Administration de pilotage des Grands Lacs

Laurentian Pilotage Authority

Administration de pilotage des Laurentides

Pacific Pilotage Authority

Administration de pilotage du Pacifique

Any corporation

(a) that is wholly owned by one of the corporations listed in this Schedule;

(b) that is wholly owned by a wholly owned corporation referred to in paragraph (a); or

(c) that is wholly owned by any corporation referred to in paragraph (b).

R.S., 1985, c. M-13, Sch. IV; R.S., 1985, c. 39 (1st Supp.), s. 1, c. 44 (2nd Supp.), s. 1, c. 9 (3rd Supp.), ss. 1, 2, c. 35 (4th Supp.), s. 13; 1991, c. 10, ss. 19, 20; 1993, c. 34, s. 145; 1995, c. 24, s. 18, c. 28, ss. 52, 53; 1998, c. 10, ss. 187, 188; SOR/99-333, ss. 3, 4; 2001, c. 33, ss. 23, 24.

AMENDMENTS NOT IN FORCE

-- R.S., 1985, c. 33 (4th Supp.), s. 3:

3. Schedule IV to the *Municipal Grants Act* is amended by deleting therefrom the following:

"Eldorado Nuclear Limited

Eldorado Nucléaire Limitée"

-- 1998, c. 10, ss. 185, 186:

185. Schedule III to the Act is amended by adding the following in alphabetical order:

The Jacques-Cartier and Champlain Bridges Inc.

Les Ponts Jacques-Cartier et Champlain Inc.

186. Schedule III to the Act is amended by adding the following in alphabetical order:

The Seaway International Bridge Corporation, Ltd.

La Corporation du Pont international de la voie maritime, Ltée

-- 1998, c. 21, s. 55:

R.S., c. M-13

55. Schedule IV to the *Municipal Grants Act* is amended by striking out the following:

Canada Development Investment Corporation

Corporation d'investissements au développement du Canada

-- 2000, c. 23, ss. 20, 21:

20. Schedule I to the *Municipal Grants Act* is amended by striking out the following:

Cape Breton Development Corporation, with respect to real property owned by Her Majesty in right of Canada and occupied by the Department of Transport for purposes of the Canadian Coast Guard College.

21. Schedule III to the Act is amended by striking out the following:

Cape Breton Development Corporation

Société de développement du Cap-Breton

-- 2003, c. 22, para. 224(z.67):

Replacement of
"public service of
Canada"

224. The expression "public service of Canada" is replaced by the expression "federal public administration" wherever it occurs in the English version of the following provisions:

...

(z.67) paragraph (a.1) of the definition "department" in subsection 2(1) and subsection 11.1(5) of the *Payments in Lieu of Taxes Act*;

...

RELATED PROVISION

-- 2000, c. 8, s. 5(2):

(2) Subsection 3(1.1) and section 3.1 of the Act apply only in respect of a taxation year starting on or after January 1, 2000.

Privacy Act

Privacy Act

CHAPTER P-21

An Act to extend the present laws of Canada that protect the privacy of individuals and that provide individuals with a right of access to personal information about themselves

SHORT TITLE

Short title

1. This Act may be cited as the *Privacy Act*.

1980-81-82-83, c. 111, Sch. II "1".

PURPOSE OF ACT

Purpose

2. The purpose of this Act is to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a government institution and that provide individuals with a right of access to that information.

1980-81-82-83, c. 111, Sch. II "2".

INTERPRETATION

Definitions

3. In this Act,

"administrative purpose" « *fins administratives*»

"administrative purpose", in relation to the use of personal information about an individual, means the use of that information in a decision making process that directly affects that individual;

"alternative format" « *support de substitution* »

"alternative format", with respect to personal information, means a format that allows a person with a sensory disability to read or listen to the personal information;

"Court" «*Cour*»

"Court" means the Federal Court;

"designated Minister" « *ministre désigné*»

"designated Minister", in relation to any provision of this Act, means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of that provision;

"government institution" « *institution fédérale*»

"government institution" means any department or ministry of state of the Government of Canada listed in the schedule or any body or office listed in the schedule;

"head" « *responsable d'institution fédérale*»

"head", in respect of a government institution, means

(a) in the case of a department or ministry of state, the member of the Queen's Privy Council for Canada presiding over that institution, or

(b) in any other case, the person designated by order in council pursuant to this paragraph and for the purposes of this Act to be the head of that

"personal information"
«renseignements
personnels»

institution;

"personal information" means information about an identifiable individual that is recorded in any form including, without restricting the generality of the foregoing,

(a) information relating to the race, national or ethnic origin, colour, religion, age or marital status of the individual,

(b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,

(c) any identifying number, symbol or other particular assigned to the individual,

(d) the address, fingerprints or blood type of the individual,

(e) the personal opinions or views of the individual except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual by a government institution or a part of a government institution specified in the regulations,

(f) correspondence sent to a government institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to such correspondence that would reveal the contents of the original correspondence,

(g) the views or opinions of another individual about the individual,

(h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual by an institution or a part of an institution referred to in paragraph (e), but excluding the name of the other individual where it appears with the views or opinions of the other individual, and

(i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual,

but, for the purposes of sections 7, 8 and 26 and section 19 of the *Access to Information Act*, does not include

(j) information about an individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual including,

(i) the fact that the individual is or was an officer or employee of the government institution,

(ii) the title, business address and telephone number of the individual,

(iii) the classification, salary range and responsibilities of the position held by the individual,

(iv) the name of the individual on a document prepared by the individual in the course of employment, and

(v) the personal opinions or views of the individual given in the course of employment,

(k) information about an individual who is or was performing services under contract for a government institution that relates to the services performed, including the terms of the contract, the name of the individual and the opinions or views of the individual given in the course of the performance of those services,

(l) information relating to any discretionary benefit of a financial nature, including the granting of a licence or permit, conferred on an individual, including the name of the individual and the exact nature of the benefit, and

(m) information about an individual who has been dead for more than twenty years;

"personal information bank" «*fichier de renseignements personnels*»

"personal information bank" means a collection or grouping of personal information described in section 10;

"Privacy Commissioner" «*Commissaire à la protection de la vie privée*»

"Privacy Commissioner" means the Commissioner appointed under section 53;

"sensory disability" «*déficience sensorielle* »

"sensory disability" means a disability that relates to sight or hearing.

R.S., 1985, c. P-21, s. 3; 1992, c. 1, s. 144(F), c. 21, s. 34; 2002, c. 8, s. 183.

COLLECTION, RETENTION AND DISPOSAL OF PERSONAL INFORMATION

Collection of personal information

4. No personal information shall be collected by a government institution unless it relates directly to an operating program or activity of the institution.

1980-81-82-83, c. 111, Sch. II "4".

Personal information to be collected directly

5. (1) A government institution shall, wherever possible, collect personal information that is intended to be used for an administrative purpose directly from the individual to whom it relates except where the individual authorizes otherwise or where personal information may be disclosed to the institution under subsection 8(2).

Individual to be informed of purpose

(2) A government institution shall inform any individual from whom the institution collects personal information about the individual of the purpose for which the information is being collected.

Exception

(3) Subsections (1) and (2) do not apply where compliance therewith might

(a) result in the collection of inaccurate information; or

(b) defeat the purpose or prejudice the use for which information is collected.

1980-81-82-83, c. 111, Sch. II "5".

Retention of personal information used for an administrative purpose

6. (1) Personal information that has been used by a government institution for an administrative purpose shall be retained by the institution for such period of time after it is so used as may be prescribed by regulation in order to ensure that the individual to whom it relates has a reasonable opportunity to obtain access to the information.

Accuracy of personal information

(2) A government institution shall take all reasonable steps to ensure that personal information that is used for an administrative purpose by the institution is as accurate, up-to-date and complete as possible.

Disposal of personal information

(3) A government institution shall dispose of personal information under the control of the institution in accordance with the regulations and in accordance with any directives or guidelines issued by the designated minister in relation to the disposal of that information.

1980-81-82-83, c. 111, Sch. II "6".

PROTECTION OF PERSONAL INFORMATION

Use of personal information

7. Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be used by the institution except

(a) for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose; or

(b) for a purpose for which the information may be disclosed to the institution under subsection 8(2).

1980-81-82-83, c. 111, Sch. II "7".

Disclosure of personal information

8. (1) Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section.

Where personal information may be disclosed

(2) Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed

(a) for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose;

(b) for any purpose in accordance with any Act of Parliament or any regulation made thereunder that authorizes its disclosure;

(c) for the purpose of complying with a subpoena or warrant issued or order made by a court, person or body with jurisdiction to compel the production of information or for the purpose of complying with rules of court relating to the production of information;

(d) to the Attorney General of Canada for use in legal proceedings involving the Crown in right of Canada or the Government of Canada;

(e) to an investigative body specified in the regulations, on the written request of the body, for the purpose of enforcing any law of Canada or a province or carrying out a lawful investigation, if the request specifies the purpose and describes the information to be disclosed;

(f) under an agreement or arrangement between the Government of Canada or an institution thereof and the government of a province, the government of a foreign state, an international organization of states or an international organization established by the governments of states, or any institution of any such government or organization, for the purpose of administering or enforcing any law or carrying out a lawful investigation;

(g) to a member of Parliament for the purpose of assisting the individual to whom the information relates in resolving a problem;

(h) to officers or employees of the institution for internal audit purposes, or to the office of the Comptroller General or any other person or body specified in the regulations for audit purposes;

(i) to the Library and Archives of Canada for archival purposes;

(j) to any person or body for research or statistical purposes if the head of the government institution

(i) is satisfied that the purpose for which the information is disclosed cannot reasonably be accomplished unless the information is provided in a form that would identify the individual to whom it relates, and

(ii) obtains from the person or body a written undertaking that no subsequent disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates;

(k) to any aboriginal government, association of aboriginal people, Indian band, government institution or part thereof, or to any person acting on behalf of such government, association, band, institution or part thereof, for the purpose of researching or validating the claims, disputes or grievances of any of the aboriginal peoples of Canada;

(l) to any government institution for the purpose of locating an individual in order to collect a debt owing to Her Majesty in right of Canada by that individual or make a payment owing to that individual by Her Majesty in right of Canada; and

(m) for any purpose where, in the opinion of the head of the institution,

(i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure, or

(ii) disclosure would clearly benefit the individual to whom the information relates.

Personal information disclosed by Library and Archives of Canada

(3) Subject to any other Act of Parliament, personal information under the custody or control of the Library and Archives of Canada that has been transferred there by a government institution for historical or archival purposes may be disclosed in accordance with the regulations to any person or body for research or statistical purposes.

Copies of requests under paragraph (2)(e) to be retained

(4) The head of a government institution shall retain a copy of every request received by the government institution under paragraph (2)(e) for such period of time as may be prescribed by regulation, shall keep a record of any information disclosed pursuant to the request for such period of time as may be prescribed by

regulation and shall, on the request of the Privacy Commissioner, make those copies and records available to the Privacy Commissioner.

Notice of disclosure under paragraph (2)(m)

(5) The head of a government institution shall notify the Privacy Commissioner in writing of any disclosure of personal information under paragraph (2)(m) prior to the disclosure where reasonably practicable or in any other case forthwith on the disclosure, and the Privacy Commissioner may, if the Commissioner deems it appropriate, notify the individual to whom the information relates of the disclosure.

Definition of "Indian band"

(6) In paragraph (2)(k), "Indian band" means

(a) a band, as defined in the *Indian Act*;

(b) a band, as defined in the *Cree-Naskapi (of Quebec) Act*, chapter 18 of the Statutes of Canada, 1984;

(c) the Band, as defined in the *Sechelt Indian Band Self-Government Act*, chapter 27 of the Statutes of Canada, 1986; or

(d) a first nation named in Schedule II to the *Yukon First Nations Self-Government Act*.

Definition of "aboriginal government"

(7) The expression "aboriginal government" in paragraph (2)(k) means Nisga'a Government, as defined in the Nisga'a Final Agreement given effect by the *Nisga'a Final Agreement Act*.

R.S., 1985, c. P-21, s. 8; R.S., 1985, c. 20 (2nd Supp.), s. 13, c. 1 (3rd Supp.), s. 12; 1994, c. 35, s. 39; 2000, c. 7, s. 26; 2004, c. 11, s. 37.

Record of disclosures to be retained

9. (1) The head of a government institution shall retain a record of any use by the institution of personal information contained in a personal information bank or any use or purpose for which that information is disclosed by the institution where the use or purpose is not included in the statements of uses and purposes set forth pursuant to subparagraph 11(1)(a)(iv) and subsection 11(2) in the index referred to in section 11, and shall attach the record to the personal information.

Limitation

(2) Subsection (1) does not apply in respect of information disclosed pursuant to paragraph 8(2)(e).

Record forms part of personal information

(3) For the purposes of this Act, a record retained under subsection (1) shall be deemed to form part of the personal information to which it is attached.

Consistent uses

(4) Where personal information in a personal information bank under the control of a government institution is used or disclosed for a use consistent with the purpose for which the information was obtained or compiled by the institution but the use is not included in the statement of consistent uses set forth pursuant to subparagraph 11(1)(a)(iv) in the index referred to in section 11, the head of the government institution shall

(a) forthwith notify the Privacy Commissioner of the use for which the information was used or disclosed; and

(b) ensure that the use is included in the next statement of consistent uses set forth in the index.

1980-81-82-83, c. 111, Sch. II "9"; 1984, c. 21, s. 89.

PERSONAL INFORMATION BANKS

Personal information to be included in personal information banks

10. (1) The head of a government institution shall cause to be included in personal information banks all personal information under the control of the government institution that

(a) has been used, is being used or is available for use for an administrative purpose; or

(b) is organized or intended to be retrieved by the name of an individual or by an identifying number, symbol or other particular assigned to an individual.

Exception for Library and Archives of Canada

(2) Subsection (1) does not apply in respect of personal information under the custody or control of the Library and Archives of Canada that has been transferred there by a government institution for historical or archival purposes.

R.S., 1985, c. P-21, s. 10; R.S., 1985, c. 1 (3rd Supp.), s. 12; 2004, c. 11, s. 38.

PERSONAL INFORMATION INDEX

Index of personal information

11. (1) The designated Minister shall cause to be published on a periodic basis not less frequently than once each year, an index of

(a) all personal information banks setting forth, in respect of each bank,

(i) the identification and a description of the bank, the registration number assigned to it by the designated Minister pursuant to paragraph 71(1)(b) and a description of the class of individuals to whom personal information contained in the bank relates,

(ii) the name of the government institution that has control of the bank,

(iii) the title and address of the appropriate officer to whom requests relating to personal information contained in the bank should be sent,

(iv) a statement of the purposes for which personal information in the bank was obtained or compiled and a statement of the uses consistent with those purposes for which the information is used or disclosed,

(v) a statement of the retention and disposal standards applied to personal information in the bank, and

(vi) an indication, where applicable, that the bank was designated as an exempt bank by an order under section 18 and the provision of section 21 or 22 on the basis of which the order was made; and

(b) all classes of personal information under the control of a government institution that are not contained in personal information banks, setting forth in respect of each class

(i) a description of the class in sufficient detail to facilitate the right of access under this Act, and

(ii) the title and address of the appropriate officer for each government

institution to whom requests relating to personal information within the class should be sent.

Statement of uses and purposes

(2) The designated Minister may set forth in the index referred to in subsection (1) a statement of any of the uses and purposes, not included in the statements made pursuant to subparagraph (1)(a)(iv), for which personal information contained in any of the personal information banks referred to in the index is used or disclosed on a regular basis.

Index to be made available

(3) The designated Minister shall cause the index referred to in subsection (1) to be made available throughout Canada in conformity with the principle that every person is entitled to reasonable access to the index.

1980-81-82-83, c. 111, Sch. II "11".

ACCESS TO PERSONAL INFORMATION

Right of Access

Right of access

12. (1) Subject to this Act, every individual who is a Canadian citizen or a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act* has a right to and shall, on request, be given access to

(a) any personal information about the individual contained in a personal information bank; and

(b) any other personal information about the individual under the control of a government institution with respect to which the individual is able to provide sufficiently specific information on the location of the information as to render it reasonably retrievable by the government institution.

Other rights relating to personal information

(2) Every individual who is given access under paragraph (1)(a) to personal information that has been used, is being used or is available for use for an administrative purpose is entitled to

(a) request correction of the personal information where the individual believes there is an error or omission therein;

(b) require that a notation be attached to the information reflecting any correction requested but not made; and

(c) require that any person or body to whom that information has been disclosed for use for an administrative purpose within two years prior to the time a correction is requested or a notation is required under this subsection in respect of that information

(i) be notified of the correction or notation, and

(ii) where the disclosure is to a government institution, the institution make the correction or notation on any copy of the information under its control.

Extension of right of access by order

(3) The Governor in Council may, by order, extend the right to be given access to personal information under subsection (1) to include individuals not referred to in that subsection and may set such conditions as the Governor in Council deems appropriate.

R.S., 1985, c. P-21, s. 12; 2001, c. 27, s. 269.

Requests for Access

Request for access under paragraph 12(1)(a)

13. (1) A request for access to personal information under paragraph 12(1)(a) shall be made in writing to the government institution that has control of the personal information bank that contains the information and shall identify the bank.

Request for access under 12(1)(b)

(2) A request for access to personal information under paragraph 12(1)(b) shall be made in writing to the government institution that has control of the information and shall provide sufficiently specific information on the location of the information as to render it reasonably retrievable by the government institution.

1980-81-82-83, c. 111, Sch. II "13".

Notice where access requested

14. Where access to personal information is requested under subsection 12(1), the head of the government institution to which the request is made shall, subject to section 15, within thirty days after the request is received,

(a) give written notice to the individual who made the request as to whether or not access to the information or a part thereof will be given; and

(b) if access is to be given, give the individual who made the request access to the information or the part thereof.

1980-81-82-83, c. 111, Sch. II "14".

Extension of time limits

15. The head of a government institution may extend the time limit set out in section 14 in respect of a request for

(a) a maximum of thirty days if

(i) meeting the original time limit would unreasonably interfere with the operations of the government institution, or

(ii) consultations are necessary to comply with the request that cannot reasonably be completed within the original time limit, or

(b) such period of time as is reasonable, if additional time is necessary for translation purposes or for the purposes of converting the personal information into an alternative format,

by giving notice of the extension and the length of the extension to the individual who made the request within thirty days after the request is received, which notice shall contain a statement that the individual has a right to make a complaint to the Privacy Commissioner about the extension.

R.S., 1985, c. P-21, s. 15; 1992, c. 21, s. 35.

Where access is refused

16. (1) Where the head of a government institution refuses to give access to any personal information requested under subsection 12(1), the head of the institution shall state in the notice given under paragraph 14(a)

(a) that the personal information does not exist, or

(b) the specific provision of this Act on which the refusal was based or the

provision on which a refusal could reasonably be expected to be based if the information existed,

and shall state in the notice that the individual who made the request has a right to make a complaint to the Privacy Commissioner about the refusal.

Existence not required to be disclosed

(2) The head of a government institution may but is not required to indicate under subsection (1) whether personal information exists.

Deemed refusal to give access

(3) Where the head of a government institution fails to give access to any personal information requested under subsection 12(1) within the time limits set out in this Act, the head of the institution shall, for the purposes of this Act, be deemed to have refused to give access.

1980-81-82-83, c. 111, Sch. II "16".

Access

Form of access

17. (1) Subject to any regulations made under paragraph 77(1)(o), where an individual is to be given access to personal information requested under subsection 12(1), the government institution shall

(a) permit the individual to examine the information in accordance with the regulations; or

(b) provide the individual with a copy thereof.

Language of access

(2) Where access to personal information is to be given under this Act and the individual to whom access is to be given requests that access be given in a particular one of the official languages of Canada,

(a) access shall be given in that language, if the personal information already exists under the control of a government institution in that language; and

(b) where the personal information does not exist in that language, the head of the government institution that has control of the personal information shall cause it to be translated or interpreted for the individual if the head of the institution considers a translation or interpretation to be necessary to enable the individual to understand the information.

Access to personal information in alternative format

(3) Where access to personal information is to be given under this Act and the individual to whom access is to be given has a sensory disability and requests that access be given in an alternative format, access shall be given in an alternative format if

(a) the personal information already exists under the control of a government institution in an alternative format that is acceptable to the individual; or

(b) the head of the government institution that has control of the personal information considers the giving of access in an alternative format to be necessary to enable the individual to exercise the individual's right of access under this Act and considers it reasonable to cause the personal information to be converted.

R.S., 1985, c. P-21, s. 17; 1992, c. 21, s. 36.

EXEMPTIONS

Exempt Banks

Governor in Council may designate exempt banks

18. (1) The Governor in Council may, by order, designate as exempt banks certain personal information banks that contain files all of which consist predominantly of personal information described in section 21 or 22.

Disclosure may be refused

(2) The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that is contained in a personal information bank designated as an exempt bank under subsection (1).

Contents of order

(3) An order made under subsection (1) shall specify

(a) the section on the basis of which the order is made; and

(b) where a personal information bank is designated that contains files that consist predominantly of personal information described in subparagraph 22(1)(a)(ii), the law concerned.

1980-81-82-83, c. 111, Sch. II "18".

Responsibilities of Government

Personal information obtained in confidence

19. (1) Subject to subsection (2), the head of a government institution shall refuse to disclose any personal information requested under subsection 12(1) that was obtained in confidence from

(a) the government of a foreign state or an institution thereof;

(b) an international organization of states or an institution thereof;

(c) the government of a province or an institution thereof; or

(d) a municipal or regional government established by or pursuant to an Act of the legislature of a province or an institution of such a government.

Where disclosure authorized

(2) The head of a government institution may disclose any personal information requested under subsection 12(1) that was obtained from any government, organization or institution described in subsection (1) if the government, organization or institution from which the information was obtained

(a) consents to the disclosure; or

(b) makes the information public.

1980-81-82-83, c. 111, Sch. II "19".

Federal-provincial affairs

20. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) the disclosure of which could reasonably be expected to be injurious to the conduct by the Government of Canada of federal-provincial affairs.

1980-81-82-83, c. 111, Sch. II "20".

International affairs
and defence

21. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada, as defined in subsection 15(2) of the *Access to Information Act*, or the efforts of Canada toward detecting, preventing or suppressing subversive or hostile activities, as defined in subsection 15(2) of the *Access to Information Act*, including, without restricting the generality of the foregoing, any such information listed in paragraphs 15(1)(a) to (l) of the *Access to Information Act*.

1980-81-82-83, c. 111, Sch. II "21".

Law enforcement and
investigation

22. (1) The head of a government institution may refuse to disclose any personal information requested under subsection 12(1)

(a) that was obtained or prepared by any government institution, or part of any government institution, that is an investigative body specified in the regulations in the course of lawful investigations pertaining to

(i) the detection, prevention or suppression of crime,

(ii) the enforcement of any law of Canada or a province, or

(iii) activities suspected of constituting threats to the security of Canada within the meaning of the *Canadian Security Intelligence Service Act*,

if the information came into existence less than twenty years prior to the request;

(b) the disclosure of which could reasonably be expected to be injurious to the enforcement of any law of Canada or a province or the conduct of lawful investigations, including, without restricting the generality of the foregoing, any such information

(i) relating to the existence or nature of a particular investigation,

(ii) that would reveal the identity of a confidential source of information, or

(iii) that was obtained or prepared in the course of an investigation; or

(c) the disclosure of which could reasonably be expected to be injurious to the security of penal institutions.

Policing services for
provinces or
municipalities

(2) The head of a government institution shall refuse to disclose any personal information requested under subsection 12(1) that was obtained or prepared by the Royal Canadian Mounted Police while performing policing services for a province or municipality pursuant to an arrangement made under section 20 of the *Royal Canadian Mounted Police Act*, where the Government of Canada has, on the request of the province or municipality, agreed not to disclose such information.

Definition of
"investigation"

(3) For the purposes of paragraph (1)(b), "investigation" means an investigation that

(a) pertains to the administration or enforcement of an Act of Parliament;

(b) is authorized by or pursuant to an Act of Parliament; or

(c) is within a class of investigations specified in the regulations.

1980-81-82-83, c. 111, Sch. II "22"; 1984, c. 21, s. 90, c. 40, s. 79.

Security clearances

23. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that was obtained or prepared by an investigative body specified in the regulations for the purpose of determining whether to grant security clearances

(a) required by the Government of Canada or a government institution in respect of individuals employed by or performing services for the Government of Canada or a government institution, individuals employed by or performing services for a person or body performing services for the Government of Canada or a government institution, individuals seeking to be so employed or seeking to perform those services, or

(b) required by the government of a province or a foreign state or an institution thereof,

if disclosure of the information could reasonably be expected to reveal the identity of the individual who furnished the investigative body with the information.

1980-81-82-83, c. 111, Sch. II "23".

Individuals sentenced for an offence

24. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that was collected or obtained by the Correctional Service of Canada or the National Parole Board while the individual who made the request was under sentence for an offence against any Act of Parliament, if the disclosure could reasonably be expected to

(a) lead to a serious disruption of the individual's institutional, parole or statutory release program; or

(b) reveal information about the individual originally obtained on a promise of confidentiality, express or implied.

R.S., 1985, c. P-21, s. 24; 1994, c. 26, s. 56.

Safety of individuals

25. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) the disclosure of which could reasonably be expected to threaten the safety of individuals.

1980-81-82-83, c. 111, Sch. II "25".

Personal Information

Information about another individual

26. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) about an individual other than the individual who made the request, and shall refuse to disclose such information where the disclosure is prohibited under section 8.

1980-81-82-83, c. 111, Sch. II "26".

*Solicitor-Client Privilege*Solicitor-client
privilege

27. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that is subject to solicitor-client privilege.

1980-81-82-83, c. 111, Sch. II "27".

Medical Records

Medical record

28. The head of a government institution may refuse to disclose any personal information requested under subsection 12(1) that relates to the physical or mental health of the individual who requested it where the examination of the information by the individual would be contrary to the best interests of the individual.

1980-81-82-83, c. 111, Sch. II "28".

COMPLAINTS

Receipt and
investigation of
complaints

29. (1) Subject to this Act, the Privacy Commissioner shall receive and investigate complaints

(a) from individuals who allege that personal information about themselves held by a government institution has been used or disclosed otherwise than in accordance with section 7 or 8;

(b) from individuals who have been refused access to personal information requested under subsection 12(1);

(c) from individuals who allege that they are not being accorded the rights to which they are entitled under subsection 12(2) or that corrections of personal information requested under paragraph 12(2)(a) are being refused without justification;

(d) from individuals who have requested access to personal information in respect of which a time limit has been extended pursuant to section 15 where they consider the extension unreasonable;

(e) from individuals who have not been given access to personal information in the official language requested by the individuals under subsection 17(2);

(e.1) from individuals who have not been given access to personal information in an alternative format pursuant to a request made under subsection 17(3);

(f) from individuals who have been required to pay a fee that they consider inappropriate;

(g) in respect of the index referred to in subsection 11(1); or

(h) in respect of any other matter relating to

(i) the collection, retention or disposal of personal information by a government institution,

(ii) the use or disclosure of personal information under the control of a government institution, or

(iii) requesting or obtaining access under subsection 12(1) to personal information.

Complaints submitted on behalf of complainants

(2) Nothing in this Act precludes the Privacy Commissioner from receiving and investigating complaints of a nature described in subsection (1) that are submitted by a person authorized by the complainant to act on behalf of the complainant, and a reference to a complainant in any other section includes a reference to a person so authorized.

Privacy Commissioner may initiate complaint

(3) Where the Privacy Commissioner is satisfied that there are reasonable grounds to investigate a matter under this Act, the Commissioner may initiate a complaint in respect thereof.

R.S., 1985, c. P-21, s. 29; 1992, c. 21, s. 37.

Written complaint

30. A complaint under this Act shall be made to the Privacy Commissioner in writing unless the Commissioner authorizes otherwise.

1980-81-82-83, c. 111, Sch. II "30".

INVESTIGATIONS

Notice of intention to investigate

31. Before commencing an investigation of a complaint under this Act, the Privacy Commissioner shall notify the head of the government institution concerned of the intention to carry out the investigation and shall inform the head of the institution of the substance of the complaint.

1980-81-82-83, c. 111, Sch. II "31".

Regulation of procedure

32. Subject to this Act, the Privacy Commissioner may determine the procedure to be followed in the performance of any duty or function of the Commissioner under this Act.

1980-81-82-83, c. 111, Sch. II "32".

Investigations in private

33. (1) Every investigation of a complaint under this Act by the Privacy Commissioner shall be conducted in private.

Right to make representation

(2) In the course of an investigation of a complaint under this Act by the Privacy Commissioner, the person who made the complaint and the head of the government institution concerned shall be given an opportunity to make representations to the Commissioner, but no one is entitled as of right to be present during, to have access to or to comment on representations made to the Commissioner by any other person.

1980-81-82-83, c. 111, Sch. II "33".

Powers of Privacy Commissioner in carrying out investigations

34. (1) The Privacy Commissioner has, in relation to the carrying out of the investigation of any complaint under this Act, power

(a) to summon and enforce the appearance of persons before the Privacy Commissioner and compel them to give oral or written evidence on oath and to produce such documents and things as the Commissioner deems requisite to the full investigation and consideration of the complaint, in the same manner

and to the same extent as a superior court of record;

(b) to administer oaths;

(c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as the Privacy Commissioner sees fit, whether or not the evidence or information is or would be admissible in a court of law;

(d) to enter any premises occupied by any government institution on satisfying any security requirements of the institution relating to the premises;

(e) to converse in private with any person in any premises entered pursuant to paragraph (d) and otherwise carry out therein such inquiries within the authority of the Privacy Commissioner under this Act as the Commissioner sees fit; and

(f) to examine or obtain copies of or extracts from books or other records found in any premises entered pursuant to paragraph (d) containing any matter relevant to the investigation.

Access to information

(2) Notwithstanding any other Act of Parliament or any privilege under the law of evidence, the Privacy Commissioner may, during the investigation of any complaint under this Act, examine any information recorded in any form under the control of a government institution, other than a confidence of the Queen's Privy Council for Canada to which subsection 70(1) applies, and no information that the Commissioner may examine under this subsection may be withheld from the Commissioner on any grounds.

Evidence in other proceedings

(3) Except in a prosecution of a person for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made under this Act, in a prosecution for an offence under this Act or in a review before the Court under this Act or an appeal therefrom, evidence given by a person in proceedings under this Act and evidence of the existence of the proceedings is inadmissible against that person in a court or in any other proceedings.

Witness fees

(4) Any person summoned to appear before the Privacy Commissioner pursuant to this section is entitled in the discretion of the Commissioner to receive the like fees and allowances for so doing as if summoned to attend before the Federal Court.

Return of documents, etc.

(5) Any document or thing produced pursuant to this section by any person or government institution shall be returned by the Privacy Commissioner within ten days after a request is made to the Commissioner by that person or government institution, but nothing in this subsection precludes the Commissioner from again requiring its production in accordance with this section.

R.S., 1985, c. P-21, s. 34; R.S., 1985, c. 27 (1st Supp.), s. 187.

Findings and recommendations of Privacy Commissioner

35. (1) If, on investigating a complaint under this Act in respect of personal information, the Privacy Commissioner finds that the complaint is well-founded, the Commissioner shall provide the head of the government institution that has control of the personal information with a report containing

(a) the findings of the investigation and any recommendations that the Commissioner considers appropriate; and

(b) where appropriate, a request that, within a time specified therein, notice be given to the Commissioner of any action taken or proposed to be taken to

implement the recommendations contained in the report or reasons why no such action has been or is proposed to be taken.

Report to complainant

(2) The Privacy Commissioner shall, after investigating a complaint under this Act, report to the complainant the results of the investigation, but where a notice has been requested under paragraph (1)(b) no report shall be made under this subsection until the expiration of the time within which the notice is to be given to the Commissioner.

Matter to be included in report to complainant

(3) Where a notice has been requested under paragraph (1)(b) but no such notice is received by the Commissioner within the time specified therefor or the action described in the notice is, in the opinion of the Commissioner, inadequate or inappropriate or will not be taken in a reasonable time, the Commissioner shall so advise the complainant in his report under subsection (2) and may include in the report such comments on the matter as he thinks fit.

Access to be given

(4) Where, pursuant to a request under paragraph (1)(b), the head of a government institution gives notice to the Privacy Commissioner that access to personal information will be given to a complainant, the head of the institution shall give the complainant access to the information forthwith on giving the notice.

Right of review

(5) Where, following the investigation of a complaint relating to a refusal to give access to personal information under this Act, access is not given to the complainant, the Privacy Commissioner shall inform the complainant that the complainant has the right to apply to the Court for a review of the matter investigated.

1980-81-82-83, c. 111, Sch. II "35".

REVIEW OF EXEMPT BANKS

Investigation of exempt banks

36. (1) The Privacy Commissioner may, from time to time at the discretion of the Commissioner, carry out investigations of the files contained in personal information banks designated as exempt banks under section 18.

Sections 31 to 34 apply

(2) Sections 31 to 34 apply, where appropriate and with such modifications as the circumstances require, in respect of investigations carried out under subsection (1).

Report of findings and recommendations

(3) If, following an investigation under subsection (1), the Privacy Commissioner considers that any file contained in a personal information bank should not be contained therein within the terms of the order designating the bank as an exempt bank, the Commissioner shall provide the head of the government institution that has control of the bank with a report containing

(a) the findings of the Commissioner and any recommendations that the Commissioner considers appropriate; and

(b) where appropriate, a request that, within a time specified therein, notice be given to the Commissioner of any action taken or proposed to be taken to implement the recommendations or reasons why no such action has been or is proposed to be taken.

Reports to be included in annual or special reports to Parliament

(4) Any report made by the Privacy Commissioner under subsection (3), together with any notice given to the Commissioner in response thereto, may be included in a report made pursuant to section 38 or 39.

Review of exempt banks by Court

(5) Where the Privacy Commissioner requests a notice under paragraph (3)(b) in respect of any file contained in a personal information bank designated under

section 18 as an exempt bank and no notice is received within the time specified therefor or the action described in the notice is, in the opinion of the Commissioner, inadequate or inappropriate or will not be taken in a reasonable time, the Privacy Commissioner may make an application to the Court under section 43.

1980-81-82-83, c. 111, Sch. II "36".

REVIEW OF COMPLIANCE WITH SECTIONS 4 TO 8

Investigation in respect of sections 4 to 8

37. (1) The Privacy Commissioner may, from time to time at the discretion of the Commissioner, carry out investigations in respect of personal information under the control of government institutions to ensure compliance with sections 4 to 8.

Sections 31 to 34 apply

(2) Sections 31 to 34 apply, where appropriate and with such modifications as the circumstances require, in respect of investigations carried out under subsection (1).

Report of findings and recommendations

(3) If, following an investigation under subsection (1), the Privacy Commissioner considers that a government institution has not complied with sections 4 to 8, the Commissioner shall provide the head of the institution with a report containing the findings of the investigation and any recommendations that the Commissioner considers appropriate.

Reports to be included in annual or special reports

(4) Any report made by the Privacy Commissioner under subsection (3) may be included in a report made pursuant to section 38 or 39.

1980-81-82-83, c. 111, Sch. II "37".

REPORTS TO PARLIAMENT

Annual report

38. The Privacy Commissioner shall, within three months after the termination of each financial year, submit an annual report to Parliament on the activities of the office during that financial year.

1980-81-82-83, c. 111, Sch. II "38".

Special reports

39. (1) The Privacy Commissioner may, at any time, make a special report to Parliament referring to and commenting on any matter within the scope of the powers, duties and functions of the Commissioner where, in the opinion of the Commissioner, the matter is of such urgency or importance that a report thereon should not be deferred until the time provided for transmission of the next annual report of the Commissioner under section 38.

Where investigation made

(2) Any report made pursuant to subsection (1) that relates to an investigation under this Act shall be made only after the procedures set out in section 35, 36 or 37 have been followed in respect of the investigation.

1980-81-82-83, c. 111, Sch. II "39".

Transmission of reports

40. (1) Every report to Parliament made by the Privacy Commissioner under section 38 or 39 shall be made by being transmitted to the Speaker of the Senate and to the Speaker of the House of Commons for tabling in those Houses.

Reference to Parliamentary committee

(2) Every report referred to in subsection (1) shall, after it is transmitted for tabling pursuant to that subsection, be referred to the committee designated or established by Parliament for the purpose of subsection 75(1).

1980-81-82-83, c. 111, Sch. II "40".

REVIEW BY THE FEDERAL COURT

Review by Federal
Court where access
refused

41. Any individual who has been refused access to personal information requested under subsection 12(1) may, if a complaint has been made to the Privacy Commissioner in respect of the refusal, apply to the Court for a review of the matter within forty-five days after the time the results of an investigation of the complaint by the Privacy Commissioner are reported to the complainant under subsection 35(2) or within such further time as the Court may, either before or after the expiration of those forty-five days, fix or allow.

1980-81-82-83, c. 111, Sch. II "41".

Privacy Commissioner
may apply or appear

42. The Privacy Commissioner may

(a) apply to the Court, within the time limits prescribed by section 41, for a review of any refusal to disclose personal information requested under subsection 12(1) in respect of which an investigation has been carried out by the Privacy Commissioner, if the Commissioner has the consent of the individual who requested access to the information;

(b) appear before the Court on behalf of any individual who has applied for a review under section 41; or

(c) with leave of the Court, appear as a party to any review applied for under section 41.

1980-81-82-83, c. 111, Sch. II "42".

Application respecting
files in exempt banks

43. In the circumstances described in subsection 36(5), the Privacy Commissioner may apply to the Court for a review of any file contained in a personal information bank designated as an exempt bank under section 18.

1980-81-82-83, c. 111, Sch. II "43".

Hearing in summary
way

44. An application made under section 41, 42 or 43 shall be heard and determined in a summary way in accordance with any special rules made in respect of such applications pursuant to section 46 of the *Federal Courts Act*.

R.S., 1985, c. P-21, s. 44; 2002, c. 8, s. 182.

Access to information

45. Notwithstanding any other Act of Parliament or any privilege under the law of evidence, the Court may, in the course of any proceedings before the Court arising from an application under section 41, 42 or 43, examine any information recorded in any form under the control of a government institution, other than a confidence of the Queen's Privy Council for Canada to which subsection 70(1) applies, and no information that the Court may examine under this section may be withheld from the Court on any grounds.

1980-81-82-83, c. 111, Sch. II "45".

Court to take
precautions against
disclosing

46. (1) In any proceedings before the Court arising from an application under section 41, 42 or 43, the Court shall take every reasonable precaution, including, when appropriate, receiving representations *ex parte* and conducting hearings *in camera*, to avoid the disclosure by the Court or any person of

(a) any information or other material that the head of a government institution would be authorized to refuse to disclose if it were requested under subsection 12(1) or contained in a record requested under the *Access to Information Act*; or

(b) any information as to whether personal information exists where the head of a government institution, in refusing to disclose the personal information under this Act, does not indicate whether it exists.

Disclosure of offence authorized

(2) The Court may disclose to the appropriate authority information relating to the commission of an offence against any law of Canada or a province on the part of any officer or employee of a government institution, if in the opinion of the Court there is evidence thereof.

1980-81-82-83, c. 111, Sch. II "46".

Burden of proof

47. In any proceedings before the Court arising from an application under section 41, 42 or 43, the burden of establishing that the head of a government institution is authorized to refuse to disclose personal information requested under subsection 12(1) or that a file should be included in a personal information bank designated as an exempt bank under section 18 shall be on the government institution concerned.

1980-81-82-83, c. 111, Sch. II "47".

Order of Court where no authorization to refuse disclosure found

48. Where the head of a government institution refuses to disclose personal information requested under subsection 12(1) on the basis of a provision of this Act not referred to in section 49, the Court shall, if it determines that the head of the institution is not authorized under this Act to refuse to disclose the personal information, order the head of the institution to disclose the personal information, subject to such conditions as the Court deems appropriate, to the individual who requested access thereto, or shall make such other order as the Court deems appropriate.

1980-81-82-83, c. 111, Sch. II "48".

Order of Court where reasonable grounds of injury not found

49. Where the head of a government institution refuses to disclose personal information requested under subsection 12(1) on the basis of section 20 or 21 or paragraph 22(1)(b) or (c) or 24(a), the Court shall, if it determines that the head of the institution did not have reasonable grounds on which to refuse to disclose the personal information, order the head of the institution to disclose the personal information, subject to such conditions as the Court deems appropriate, to the individual who requested access thereto, or shall make such other order as the Court deems appropriate.

1980-81-82-83, c. 111, Sch. II "49".

Order to remove file from exempt bank

50. Where the Privacy Commissioner makes an application to the Court under section 43 for a review of a file contained in a personal information bank designated as an exempt bank under section 18, the Court shall, if it determines

(a) in the case of a file contained in the bank on the basis of personal information described in paragraph 22(1)(a) or subsection 22(2), that the file should not be included therein, or

(b) in the case of a file contained in the bank on the basis of personal information described in section 21 or paragraph 22(1)(b) or (c), that reasonable grounds do not exist on which to include the file in the bank,

order the head of the government institution that has control of the bank to remove the file from the bank or make such other order as the Court deems appropriate.

1980-81-82-83, c. 111, Sch. II "50"; 1984, c. 40, s. 60.

Actions relating to international affairs and defence

51. (1) Any application under section 41 or 42 relating to personal information that the head of a government institution has refused to disclose by reason of paragraph 19(1)(a) or (b) or section 21, and any application under section 43 in respect of a file contained in a personal information bank designated as an exempt bank under section 18 to contain files all of which consist predominantly of personal information described in section 21, shall be heard and determined by the Chief Justice of the Federal Court or by any other judge of the Court that the Chief Justice may designate to hear the applications.

Special rules for hearings

(2) An application referred to in subsection (1) or an appeal brought in respect of such application shall

(a) be heard *in camera*; and

(b) on the request of the head of the government institution concerned, be heard and determined in the National Capital Region described in the schedule to the *National Capital Act*.

Ex parte representations

(3) During the hearing of an application referred to in subsection (1) or an appeal brought in respect of such application, the head of the government institution concerned shall, on the request of the head of the institution, be given the opportunity to make representations *ex parte*.

R.S., 1985, c. P-21, s. 51; 2002, c. 8, s. 159.

Costs

52. (1) Subject to subsection (2), the costs of and incidental to all proceedings in the Court under this Act shall be in the discretion of the Court and shall follow the event unless the Court orders otherwise.

Idem

(2) Where the Court is of the opinion that an application for review under section 41 or 42 has raised an important new principle in relation to this Act, the Court shall order that costs be awarded to the applicant even if the applicant has not been successful in the result.

1980-81-82-83, c. 111, Sch. II "52".

OFFICE OF THE PRIVACY COMMISSIONER

Privacy Commissioner

Privacy Commissioner

53. (1) The Governor in Council shall, by commission under the Great Seal, appoint a Privacy Commissioner after approval of the appointment by resolution of the Senate and House of Commons.

Tenure of office and removal

(2) Subject to this section, the Privacy Commissioner holds office during good behaviour for a term of seven years, but may be removed by the Governor in Council at any time on address of the Senate and House of Commons.

Further terms

(3) The Privacy Commissioner, on the expiration of a first or any subsequent term of office, is eligible to be re-appointed for a further term not exceeding seven years.

Absence or incapacity

(4) In the event of the absence or incapacity of the Privacy Commissioner, or if the office of Privacy Commissioner is vacant, the Governor in Council may appoint another qualified person to hold office instead of the Commissioner for a term not exceeding six months, and that person shall, while holding that office, have all of the powers, duties and functions of the Privacy Commissioner under this Act or any other Act of Parliament and be paid such salary or other remuneration and expenses as may be fixed by the Governor in Council.

1980-81-82-83, c. 111, Sch. II "53".

Rank, powers and duties generally

54. (1) The Privacy Commissioner shall rank as and have all the powers of a deputy head of a department, shall engage exclusively in the duties of the office of Privacy Commissioner under this Act or any other Act of Parliament and shall not hold any other office under Her Majesty for reward or engage in any other employment for reward.

Salary and expenses

(2) The Privacy Commissioner shall be paid a salary equal to the salary of a judge of the Federal Court, other than the Chief Justice, and is entitled to be paid reasonable travel and living expenses incurred in the performance of duties under this Act or any other Act of Parliament.

Pension benefits

(3) The provisions of the *Public Service Superannuation Act*, other than those relating to tenure of office, apply to the Privacy Commissioner, except that a person appointed as Privacy Commissioner from outside the Public Service, as defined in the *Public Service Superannuation Act*, may, by notice in writing given to the President of the Treasury Board not more than sixty days after the date of appointment, elect to participate in the pension plan provided in the *Diplomatic Service (Special) Superannuation Act*, in which case the provisions of that Act, other than those relating to tenure of office, apply to the Privacy Commissioner from the date of appointment and the provisions of the *Public Service Superannuation Act* do not apply.

Other benefits

(4) The Privacy Commissioner is deemed to be employed in the public service of Canada for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act*.

R.S., 1985, c. P-21, s. 54; 2002, c. 8, s. 160.

Information Commissioner may be appointed as Privacy Commissioner

55. (1) The Governor in Council may appoint as Privacy Commissioner under section 53 the Information Commissioner appointed under the *Access to Information Act*.

Salary

(2) In the event that the Information Commissioner is appointed in accordance with subsection (1) as Privacy Commissioner, the Privacy Commissioner shall, notwithstanding subsection 54(2), be paid the salary of the Information Commissioner but not the salary of the Privacy Commissioner.

1980-81-82-83, c. 111, Sch. II "55".

Assistant Privacy Commissioner

Appointment of Assistant Privacy Commissioner

56. (1) The Governor in Council may, on the recommendation of the Privacy Commissioner, appoint one or more Assistant Privacy Commissioners.

Tenure of office and removal of Assistant Privacy Commissioner

(2) Subject to this section, an Assistant Privacy Commissioner holds office during good behaviour for a term not exceeding five years.

Further terms

(3) An Assistant Privacy Commissioner, on the expiration of a first or any subsequent term of office, is eligible to be re-appointed for a further term not exceeding five years.

1980-81-82-83, c. 111, Sch. II "56"; 1984, c. 40, s. 79.

Duties generally

57. (1) An Assistant Privacy Commissioner shall engage exclusively in such duties or functions of the office of the Privacy Commissioner under this Act or any other Act of Parliament as are delegated by the Privacy Commissioner to that Assistant Privacy Commissioner and shall not hold any other office under Her Majesty for reward or engage in any other employment for reward.

Salary and expenses

(2) An Assistant Privacy Commissioner is entitled to be paid a salary to be fixed by the Governor in Council and such travel and living expenses incurred in the performance of duties under this Act or any other Act of Parliament as the Privacy Commissioner considers reasonable.

Pension benefits

(3) The provisions of the *Public Service Superannuation Act*, other than those relating to tenure of office, apply to an Assistant Privacy Commissioner.

Other benefits

(4) An Assistant Privacy Commissioner is deemed to be employed in the public service of Canada for the purposes of the *Government Employees Compensation Act* and any regulations made under section 9 of the *Aeronautics Act*.

1980-81-82-83, c. 111, Sch. II "57".

Staff

Staff of the Privacy Commissioner

58. (1) Such officers and employees as are necessary to enable the Privacy Commissioner to perform the duties and functions of the Commissioner under this Act or any other Act of Parliament shall be appointed in accordance with the *Public Service Employment Act*.

Technical assistance

(2) The Privacy Commissioner may engage on a temporary basis the services of persons having technical or specialized knowledge of any matter relating to the work of the Commissioner to advise and assist the Commissioner in the performance of the duties and functions of the Commissioner under this Act or any other Act of Parliament and, with the approval of the Treasury Board, may fix and pay the remuneration and expenses of such persons.

1980-81-82-83, c. 111, Sch. II "58".

Delegation

Delegation by Privacy Commissioner

59. (1) Subject to subsection (2), the Privacy Commissioner may authorize any person to exercise or perform, subject to such restrictions or limitations as the Commissioner may specify, any of the powers, duties or functions of the Commissioner under this Act except

(a) in any case other than a delegation to an Assistant Privacy Commissioner, the power to delegate under this section; and

(b) in any case, the powers, duties or functions set out in sections 38 and 39.

Delegations of investigations relating to international affairs and defence

(2) The Privacy Commissioner may not, nor may an Assistant Privacy Commissioner, delegate

(a) the investigation of any complaint resulting from a refusal by the head of a government institution to disclose personal information by reason of paragraph 19(1)(a) or (b) or section 21, or

(b) the investigation under section 36 of files contained in a personal information bank designated under section 18 as an exempt bank on the basis of personal information described in section 21

except to one of a maximum of four officers or employees of the Commissioner specifically designated by the Commissioner for the purpose of conducting those investigations.

Delegation by
Assistant Privacy
Commissioner

(3) An Assistant Privacy Commissioner may authorize any person to exercise or perform, subject to such restrictions or limitations as the Assistant Privacy Commissioner may specify, any of the powers, duties or functions of the Privacy Commissioner under this Act that the Assistant Privacy Commissioner is authorized by the Privacy Commissioner to exercise or perform.

1980-81-82-83, c. 111, Sch. II "59".

Special Studies

Special studies

60. (1) The Privacy Commissioner shall carry out or cause to be carried out such studies as may be referred to the Commissioner by the Minister of Justice

(a) relating to the privacy of individuals,

(b) concerning the extension of the rights to which individuals are entitled under this Act in respect of personal information about themselves, and

(c) relating to the collection, retention, disposal, use or disclosure of personal information by persons or bodies, other than government institutions, that come within the legislative authority of Parliament,

and the Privacy Commissioner shall report thereon to the Minister of Justice from time to time.

Reports to be tabled

(2) The Minister of Justice shall cause each report by the Privacy Commissioner under subsection (1) to be laid before Parliament on any of the first fifteen days after receipt thereof that either House of Parliament is sitting.

1980-81-82-83, c. 111, Sch. II "60".

General

Principal office

61. The principal office of the Privacy Commissioner shall be in the National Capital Region described in the schedule to the *National Capital Act*.

1980-81-82-83, c. 111, Sch. II "61".

Security requirements

62. The Privacy Commissioner and every person acting on behalf or under the direction of the Commissioner who receives or obtains information relating to any investigation under this Act or any other Act of Parliament shall, with respect to access to and the use of that information, satisfy any security requirements applicable to, and take any oath of secrecy required to be taken by, persons who normally have access to and use of that information.

1980-81-82-83, c. 111, Sch. II "62".

Confidentiality

63. Subject to this Act, the Privacy Commissioner and every person acting on behalf or under the direction of the Commissioner shall not disclose any information that comes to their knowledge in the performance of their duties and functions under this Act.

1980-81-82-83, c. 111, Sch. II "63".

Disclosure authorized

64. (1) The Privacy Commissioner may disclose or may authorize any person acting on behalf or under the direction of the Commissioner to disclose information

(a) that, in the opinion of the Commissioner, is necessary to

(i) carry out an investigation under this Act, or

(ii) establish the grounds for findings and recommendations contained in any report under this Act; or

(b) in the course of a prosecution for an offence under this Act, a prosecution for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made under this Act, a review before the Court under this Act or an appeal therefrom.

Disclosure of offence authorized

(2) The Privacy Commissioner may disclose to the Attorney General of Canada information relating to the commission of an offence against any law of Canada or a province on the part of any officer or employee of a government institution if in the opinion of the Commissioner there is evidence thereof.

R.S., 1985, c. P-21, s. 64; R.S., 1985, c. 27 (1st Supp.), s. 187.

Information not to be disclosed

65. In carrying out an investigation under this Act, in notifying an individual of a disclosure under subsection 8(5) and in any report made to Parliament under section 38 or 39, the Privacy Commissioner and every person acting on behalf or under the direction of the Privacy Commissioner shall take every reasonable precaution to avoid the disclosure of, and shall not disclose,

(a) any information that the head of a government institution would be authorized to refuse to disclose if it were requested under subsection 12(1) or contained in a record requested under the *Access to Information Act*; or

(b) any information as to whether personal information exists where the head of a government institution, in refusing to disclose the personal information under this Act, does not indicate whether it exists.

1980-81-82-83, c. 111, Sch. II "65".

No summons

66. The Privacy Commissioner or any person acting on behalf or under the direction of the Commissioner is not a competent or compellable witness, in respect of any matter coming to the knowledge of the Commissioner or that person as a result of performing any duties or functions under this Act during an investigation, in any proceeding other than a prosecution for an offence under this Act, a prosecution for an offence under section 131 of the *Criminal Code* (perjury) in respect of a statement made under this Act, a review before the Court under this Act or an appeal therefrom.

R.S., 1985, c. P-21, s. 66; R.S., 1985, c. 27 (1st Supp.), s. 187.

Protection of Privacy
Commissioner

67. (1) No criminal or civil proceedings lie against the Privacy Commissioner, or against any person acting on behalf or under the direction of the Commissioner, for anything done, reported or said in good faith in the course of the exercise or performance or purported exercise or performance of any power, duty or function of the Commissioner under this Act.

Libel or slander

(2) For the purposes of any law relating to libel or slander,

(a) anything said, any information supplied or any document or thing produced in good faith in the course of an investigation carried out by or on behalf of the Privacy Commissioner under this Act is privileged; and

(b) any report made in good faith by the Privacy Commissioner under this Act and any fair and accurate account of the report made in good faith in a newspaper or any other periodical publication or in a broadcast is privileged.

1980-81-82-83, c. 111, Sch. II "67".

OFFENCES

Obstruction

68. (1) No person shall obstruct the Privacy Commissioner or any person acting on behalf or under the direction of the Commissioner in the performance of the Commissioner's duties and functions under this Act.

Offence and
punishment

(2) Every person who contravenes this section is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars.

1980-81-82-83, c. 111, Sch. II "68".

GENERAL

Act does not apply to
certain materials

69. (1) This Act does not apply to

(a) library or museum material preserved solely for public reference or exhibition purposes; or

(b) material placed in the Library and Archives of Canada, the National Gallery of Canada, the Canadian Museum of Civilization, the Canadian Museum of Nature or the National Museum of Science and Technology by or on behalf of persons or organizations other than government institutions.

Sections 7 and 8 do
not apply to certain
information

(2) Sections 7 and 8 do not apply to personal information that is publicly available.

R.S., 1985, c. P-21, s. 69; R.S., 1985, c. 1 (3rd Supp.), s. 12; 1990, c. 3, s. 32; 1992, c. 1, s. 143(E); 2004, c. 11, s. 39.

Confidences of the
Queen's Privy Council
for Canada

70. (1) This Act does not apply to confidences of the Queen's Privy Council for Canada, including, without restricting the generality of the foregoing, any information contained in

(a) memoranda the purpose of which is to present proposals or recommendations to Council;

(b) discussion papers the purpose of which is to present background explanations, analyses of problems or policy options to Council for consideration by Council in making decisions;

(c) agenda of Council or records recording deliberations or decisions of Council;

(d) records used for or reflecting communications or discussions between ministers of the Crown on matters relating to the making of government decisions or the formulation of government policy;

(e) records the purpose of which is to brief ministers of the Crown in relation to matters that are before, or are proposed to be brought before, Council or that are the subject of communications or discussions referred to in paragraph (d); and

(f) draft legislation.

Definition of "Council"

(2) For the purposes of subsection (1), "Council" means the Queen's Privy Council for Canada, committees of the Queen's Privy Council for Canada, Cabinet and committees of Cabinet.

Exception

(3) Subsection (1) does not apply to

(a) confidences of the Queen's Privy Council for Canada that have been in existence for more than twenty years; or

(b) discussion papers described in paragraph (1)(b)

(i) if the decisions to which the discussion papers relate have been made public, or

(ii) where the decisions have not been made public, if four years have passed since the decisions were made.

R.S., 1985, c. P-21, s. 70; 1992, c. 1, s. 144(F).

Certificate under
Canada Evidence Act

70.1 (1) Where a certificate under section 38.13 of the *Canada Evidence Act* prohibiting the disclosure of personal information of a specific individual is issued before a complaint is filed by that individual under this Act in respect of a request for access to that information, the provisions of this Act respecting that individual's right of access to his or her personal information do not apply to the information that is subject to the certificate.

Certificate following
filing of complaint

(2) Notwithstanding any other provision of this Act, where a certificate under section 38.13 of the *Canada Evidence Act* prohibiting the disclosure of personal information of a specific individual is issued in respect of personal information after the filing of a complaint under this Act in relation to a request for access to that information,

(a) all proceedings under this Act in respect of that information, including an investigation, audit, appeal or judicial review, are discontinued;

(b) the Privacy Commissioner shall not disclose the information and shall take all necessary precautions to prevent its disclosure; and

(c) the Privacy Commissioner shall, within 10 days after the certificate is

published in the *Canada Gazette*, return the information to the head of the government institution that controls the information.

Information not to be disclosed

(3) The Privacy Commissioner and every person acting on behalf or under the direction of the Privacy Commissioner, in carrying out their functions under this Act, shall not disclose information subject to a certificate issued under section 38.13 of the *Canada Evidence Act* and shall take every reasonable precaution to avoid the disclosure of that information.

Limited power of delegation

(4) The Privacy Commissioner may not, nor may an Assistant Privacy Commissioner, delegate the investigation of any complaint respecting information subject to a certificate issued under section 38.13 of the *Canada Evidence Act* except to one of a maximum of four officers or employees of the Commissioner specifically designated by the Commissioner for the purpose of conducting that investigation.

2001, c. 41, s. 104.

Duties and functions of designated Minister

71. (1) Subject to subsection (2), the designated Minister shall

(a) cause to be kept under review the manner in which personal information banks are maintained and managed to ensure compliance with the provisions of this Act and the regulations relating to access by individuals to personal information contained therein;

(b) assign or cause to be assigned a registration number to each personal information bank;

(c) prescribe such forms as may be required for the operation of this Act and the regulations;

(d) cause to be prepared and distributed to government institutions directives and guidelines concerning the operation of this Act and the regulations; and

(e) prescribe the form of, and what information is to be included in, reports made to Parliament under section 72.

Exception for Bank of Canada

(2) Anything that is required to be done by the designated Minister under paragraph (1)(a) or (d) shall be done in respect of the Bank of Canada by the Governor of the Bank of Canada.

Review of existing and proposed personal information banks

(3) Subject to subsection (5), the designated Minister shall cause to be kept under review the utilization of existing personal information banks and proposals for the creation of new banks, and shall make such recommendations as he considers appropriate to the heads of the appropriate government institutions with regard to personal information banks that, in the opinion of the designated Minister, are under-utilized or the existence of which can be terminated.

Establishment and modification of personal information banks

(4) Subject to subsection (5), no new personal information bank shall be established and no existing personal information banks shall be substantially modified without approval of the designated Minister or otherwise than in accordance with any term or condition on which such approval is given.

Application of subsections (3) and (4)

(5) Subsections (3) and (4) apply only in respect of personal information banks under the control of government institutions that are departments as defined in section 2 of the *Financial Administration Act*.

Delegation to head of government institution

(6) The designated Minister may authorize the head of a government institution

to exercise and perform, in such manner and subject to such terms and conditions as the designated Minister directs, any of the powers, functions and duties of the designated Minister under subsection (3) or (4).

1980-81-82-83, c. 111, Sch. II "71".

Report to Parliament

72. (1) The head of every government institution shall prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year.

Tabling of report

(2) Every report prepared under subsection (1) shall be laid before each House of Parliament within three months after the financial year in respect of which it is made or, if that House is not then sitting, on any of the first fifteen days next thereafter that it is sitting.

Reference to Parliamentary committee

(3) Every report prepared under subsection (1) shall, after it is laid before the Senate and the House of Commons, under subsection (2), be referred to the committee designated or established by Parliament for the purpose of subsection 75(1).

1980-81-82-83, c. 111, Sch. II "72".

Delegation by the head of a government institution

73. The head of a government institution may, by order, designate one or more officers or employees of that institution to exercise or perform any of the powers, duties or functions of the head of the institution under this Act that are specified in the order.

1980-81-82-83, c. 111, Sch. II "73".

Protection from civil proceeding or from prosecution

74. Notwithstanding any other Act of Parliament, no civil or criminal proceedings lie against the head of any government institution, or against any person acting on behalf or under the direction of the head of a government institution, and no proceedings lie against the Crown or any government institution, for the disclosure in good faith of any personal information pursuant to this Act, for any consequences that flow from that disclosure, or for the failure to give any notice required under this Act if reasonable care is taken to give the required notice.

1980-81-82-83, c. 111, Sch. II "74".

Permanent review of this Act by Parliamentary committee

75. (1) The administration of this Act shall be reviewed on a permanent basis by such committee of the House of Commons, of the Senate or of both Houses of Parliament as may be designated or established by Parliament for that purpose.

Review and report to Parliament

(2) The committee designated or established by Parliament for the purpose of subsection (1) shall, not later than July 1, 1986, undertake a comprehensive review of the provisions and operation of this Act, and shall, within a year after the review is undertaken or within such further time as the House of Commons may authorize, submit a report to Parliament thereon including a statement of any changes the committee would recommend.

1980-81-82-83, c. 111, Sch. II "75".

Binding on Crown

76. This Act is binding on Her Majesty in right of Canada.

1980-81-82-83, c. 111, Sch. II "76".

Regulations

77. (1) The Governor in Council may make regulations

- (a) specifying government institutions or parts of government institutions for the purpose of paragraph (e) of the definition "personal information" in section 3;
- (b) prescribing the period of time for which any class of personal information is to be retained under subsection 6(1);
- (c) prescribing the circumstances and the manner in which personal information under the control of a government institution is to be disposed of under subsection 6(3);
- (d) specifying investigative bodies for the purposes of paragraph 8(2)(e) and sections 22 and 23;
- (e) prescribing the circumstances in which and the conditions under which personal information may be disclosed under subsection 8(3);
- (f) prescribing the period of time for which copies of requests received under paragraph 8(2)(e) and records of information disclosed pursuant to the requests are to be retained under subsection 8(4);
- (g) specifying persons or bodies for the purpose of paragraph 8(2)(h);
- (h) prescribing procedures to be followed in making and responding to a request for access to personal information under paragraph 12(1)(a) or (b);
- (i) prescribing procedures to be followed by an individual or a government institution where the individual requests under subsection 12(2) a correction of personal information or a notation of a correction requested, including the period of time within which the correction or notation must be made;
- (j) prescribing any fees, or the manner of calculating any fees, to be paid for being given access to personal information requested under subsection 12(1) or for the making of copies of such personal information;
- (k) prescribing the procedures to be followed by the Privacy Commissioner and any person acting on behalf or under the direction of the Privacy Commissioner in examining or obtaining copies of records relevant to an investigation of a complaint in respect of a refusal to disclose personal information under paragraph 19(1)(a) or (b) or section 21;
- (l) specifying classes of investigations for the purpose of paragraph 22(3)(c);
- (m) prescribing the class of individuals who may act on behalf of minors, incompetents, deceased persons or any other individuals under this Act and regulating the manner in which any rights or actions of individuals under this Act may be exercised or performed on their behalf;
- (n) authorizing the disclosure of information relating to the physical or mental health of individuals to duly qualified medical practitioners or psychologists in order to determine whether disclosure of the information would be contrary to the best interests of the individuals, and prescribing any procedures to be followed or restrictions deemed necessary with regard to the disclosure and examination of the information; and
- (o) prescribing special procedures for giving individuals access under

subsection 12(1) to personal information relating to their physical or mental health and regulating the way in which that access is given.

Additions to schedule

(2) The Governor in Council may, by order, amend the schedule by adding thereto any department, ministry of state, body or office of the Government of Canada.

1980-81-82-83, c. 111, Sch. II "77".

SCHEDULE

(Section 3)

GOVERNMENT INSTITUTIONS

Departments and Ministries of State

Department of Agriculture and Agri-Food

Ministère de l'Agriculture et de l'Agroalimentaire

Department of Canadian Heritage

Ministère du Patrimoine canadien

Department of Citizenship and Immigration

Ministère de la Citoyenneté et de l'Immigration

Department of the Environment

Ministère de l'Environnement

Department of Finance

Ministère des Finances

Department of Fisheries and Oceans

Ministère des Pêches et des Océans

Department of Foreign Affairs and International Trade

Ministère des Affaires étrangères et du Commerce international

Department of Health

Ministère de la Santé

Department of Human Resources Development

Ministère du Développement des ressources humaines

Department of Indian Affairs and Northern Development

Ministère des Affaires indiennes et du Nord canadien

Department of Industry

Ministère de l'Industrie

Department of Justice

Ministère de la Justice

Department of National Defence (including the Canadian Forces)

Ministère de la Défense nationale (y compris les Forces canadiennes)

Department of Natural Resources

Ministère des Ressources naturelles

Department of Public Works and Government Services

Ministère des Travaux publics et des Services gouvernementaux

Department of the Solicitor General

Ministère du Solliciteur général

Department of Transport

Ministère des Transports

Department of Veterans Affairs

Ministère des Anciens Combattants

Department of Western Economic Diversification

Ministère de la Diversification de l'économie de l'Ouest canadien

Other Government Institutions

Atlantic Canada Opportunities Agency

Agence de promotion économique du Canada atlantique

Atlantic Pilotage Authority

Administration de pilotage de l'Atlantique

Bank of Canada

Banque du Canada

Belledune Port Authority

Administration portuaire de Belledune

Blue Water Bridge Authority

Administration du pont Blue Water

British Columbia Treaty Commission

Commission des traités de la Colombie-Britannique

Business Development Bank of Canada

Banque de développement du Canada

Canada Border Services Agency

Agence des services frontaliers du Canada

Canada Council for the Arts

Conseil des Arts du Canada

Canada Customs and Revenue Agency

Agence des douanes et du revenu du Canada

Canada Deposit Insurance Corporation

Société d'assurance-dépôts du Canada

Canada Employment Insurance Commission

Commission de l'assurance-emploi du Canada

Canada Industrial Relations Board

Conseil canadien des relations industrielles

Canada Lands Company Limited

Société immobilière du Canada limitée

Canada Mortgage and Housing Corporation

Société canadienne d'hypothèques et de logement

Canada-Newfoundland Offshore Petroleum Board

Office Canada -- Terre-Neuve des hydrocarbures extracôtiers

Canada-Nova Scotia Offshore Petroleum Board

Office Canada -- Nouvelle-Écosse des hydrocarbures extracôtiers

Canada Post Corporation

Société canadienne des postes

Canada School of Public Service

École de la fonction publique du Canada

Canadian Advisory Council on the Status of Women

Conseil consultatif canadien de la situation de la femme

Canadian Air Transport Security Authority

Administration canadienne de la sûreté du transport aérien

Canadian Artists and Producers Professional Relations Tribunal

Tribunal canadien des relations professionnelles artistes-producteurs

Canadian Centre for Occupational Health and Safety

Centre canadien d'hygiène et de sécurité au travail

Canadian Commercial Corporation

Corporation commerciale canadienne

Canadian Cultural Property Export Review Board

Commission canadienne d'examen des exportations de biens culturels

Canadian Dairy Commission

Commission canadienne du lait

Canadian Environmental Assessment Agency

Agence canadienne d'évaluation environnementale

Canadian Firearms Centre

Centre canadien des armes à feu

Canadian Food Inspection Agency

Agence canadienne d'inspection des aliments

Canadian Forces Grievance Board

Comité des griefs des Forces canadiennes

Canadian Government Specifications Board

Office des normes du gouvernement canadien

Canadian Grain Commission

Commission canadienne des grains

Canadian Human Rights Commission

Commission canadienne des droits de la personne

Canadian Human Rights Tribunal

Tribunal canadien des droits de la personne

Canadian Institutes of Health Research

Instituts de recherche en santé du Canada

Canadian International Development Agency

Agence canadienne de développement international

Canadian International Trade Tribunal

Tribunal canadien du commerce extérieur

Canadian Museum of Civilization

Musée canadien des civilisations

Canadian Museum of Nature

Musée canadien de la nature

Canadian Nuclear Safety Commission

Commission canadienne de sûreté nucléaire

Canadian Polar Commission

Commission canadienne des affaires polaires

Canadian Radio-television and Telecommunications Commission

Conseil de la radiodiffusion et des télécommunications canadiennes

Canadian Security Intelligence Service

Service canadien du renseignement de sécurité

Canadian Space Agency

Agence spatiale canadienne

Canadian Tourism Commission

Commission canadienne du tourisme

Canadian Transportation Accident Investigation and Safety Board

Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports

Canadian Transportation Agency

Office des transports du Canada

Canadian Wheat Board

Commission canadienne du blé

Copyright Board

Commission du droit d'auteur

Correctional Service of Canada

Service correctionnel du Canada

Defence Construction (1951) Limited

Construction de défense (1951) Limitée

Department of Human Resources and Skills Development

Ministère des Ressources humaines et du Développement des compétences

Department of International Trade

Ministère du Commerce international

Director of Soldier Settlement

Directeur de l'établissement de soldats

The Director, The Veterans' Land Act

Directeur des terres destinées aux anciens combattants

Economic Development Agency of Canada for the Regions of Quebec

Agence de développement économique du Canada pour les régions du Québec

Energy Supplies Allocation Board

Office de répartition des approvisionnements d'énergie

Export Development Canada

Exportation et développement Canada

Farm Credit Canada

Financement agricole Canada

The Federal Bridge Corporation Limited

La Société des ponts fédéraux Limitée

Federal-Provincial Relations Office

Secrétariat des relations fédérales-provinciales

Financial Consumer Agency of Canada

Agence de la consommation en matière financière du Canada

Financial Transactions and Reports Analysis Centre of Canada

Centre d'analyse des opérations et déclarations financières du Canada

Fraser River Port Authority

Administration portuaire du fleuve Fraser

Freshwater Fish Marketing Corporation

Office de commercialisation du poisson d'eau douce

Grain Transportation Agency Administrator

Administrateur de l'Office du transport du grain

Great Lakes Pilotage Authority

Administration de pilotage des Grands Lacs

Gwich'in Land and Water Board

Office gwich'in des terres et des eaux

Gwich'in Land Use Planning Board

Office gwich'in d'aménagement territorial

Halifax Port Authority

Administration portuaire de Halifax

Hamilton Port Authority

Administration portuaire de Hamilton

Hazardous Materials Information Review Commission

Conseil de contrôle des renseignements relatifs aux matières dangereuses

Historic Sites and Monuments Board of Canada

Commission des lieux et monuments historiques du Canada

Immigration and Refugee Board

Commission de l'immigration et du statut de réfugié

International Centre for Human Rights and Democratic Development

Centre international des droits de la personne et du développement démocratique

International Development Research Centre

Centre de recherches pour le développement international

The Jacques-Cartier and Champlain Bridges Inc.

Les Ponts Jacques-Cartier et Champlain Inc.

Laurentian Pilotage Authority

Administration de pilotage des Laurentides

Law Commission of Canada

Commission du droit du Canada

Library and Archives of Canada

Bibliothèque et Archives du Canada

Mackenzie Valley Environmental Impact Review Board

Office d'examen des répercussions environnementales de la vallée du Mackenzie

Mackenzie Valley Land and Water Board

Office des terres et des eaux de la vallée du Mackenzie

Merchant Seamen Compensation Board

Commission d'indemnisation des marins marchands

Military Police Complaints Commission

Commission d'examen des plaintes concernant la police militaire

Montreal Port Authority

Administration portuaire de Montréal

Nanaimo Port Authority

Administration portuaire de Nahaïmo

National Arts Centre Corporation

Corporation du Centre national des Arts

The National Battlefields Commission

Commission des champs de bataille nationaux

National Capital Commission

Commission de la capitale nationale

National Energy Board

Office national de l'énergie

National Farm Products Council

Conseil national des produits agricoles

National Film Board

Office national du film

National Gallery of Canada

Musée des beaux-arts du Canada

National Museum of Science and Technology

Musée national des sciences et de la technologie

National Parole Board

Commission nationale des libérations conditionnelles

National Research Council of Canada

Conseil national de recherches du Canada

National Round Table on the Environment and the Economy

Table ronde nationale sur l'environnement et l'économie

Natural Sciences and Engineering Research Council

Conseil de recherches en sciences naturelles et en génie

Northern Pipeline Agency

Administration du pipe-line du Nord

North Fraser Port Authority

Administration portuaire du North-Fraser

Northwest Territories Water Board

Office des eaux des Territoires du Nord-Ouest

Nunavut Surface Rights Tribunal

Tribunal des droits de surface du Nunavut

Nunavut Water Board

Office des eaux du Nunavut

Office of Indian Residential Schools Resolution of Canada

Bureau du Canada sur le règlement des questions des pensionnats autochtones

Office of Infrastructure of Canada

Bureau de l'infrastructure du Canada

Office of Privatization and Regulatory Affairs

Bureau de privatisation et des affaires réglementaires

Office of the Auditor General of Canada

Bureau du vérificateur général du Canada

Office of the Chief Electoral Officer

Bureau du directeur général des élections

Office of the Commissioner of Official Languages

Commissariat aux langues officielles

Office of the Comptroller General

Bureau du contrôleur général

Office of the Co-ordinator, Status of Women

Bureau de la coordonnatrice de la situation de la femme

Office of the Correctional Investigator of Canada

Bureau de l'enquêteur correctionnel du Canada

Office of the Inspector General of the Canadian Security Intelligence Service

Bureau de l'inspecteur général du service canadien du renseignement de sécurité

Office of the Superintendent of Financial Institutions

Bureau du surintendant des institutions financières

Pacific Pilotage Authority

Administration de pilotage du Pacifique

Parks Canada Agency

Agence Parcs Canada

Patented Medicine Prices Review Board

Conseil d'examen du prix des médicaments brevetés

Pension Appeals Board

Commission d'appel des pensions

Petroleum Compensation Board

Office des indemnisations pétrolières

Port Alberni Port Authority

Administration portuaire de Port-Alberni

Prairie Farm Rehabilitation Administration

Administration du rétablissement agricole des Prairies

Prince Rupert Port Authority

Administration portuaire de Prince-Rupert

Privy Council Office

Bureau du Conseil privé

Public Service Commission

Commission de la fonction publique

Public Service Human Resources Management Agency of Canada

Agence de gestion des ressources humaines de la fonction publique du Canada

Public Service Staffing Tribunal

Tribunal de la dotation de la fonction publique

Public Service Staff Relations Board

Commission des relations de travail dans la fonction publique

Quebec Port Authority

Administration portuaire de Québec

Regional Development Incentives Board

Conseil des subventions au développement régional

Royal Canadian Mint

Monnaie royale canadienne

Royal Canadian Mounted Police

Gendarmerie royale du Canada

Royal Canadian Mounted Police External Review Committee

Comité externe d'examen de la Gendarmerie royale du Canada

Royal Canadian Mounted Police Public Complaints Commission

Commission des plaintes du public contre la Gendarmerie royale du Canada

Saguenay Port Authority

Administration portuaire du Saguenay

Sahtu Land and Water Board

Office des terres et des eaux du Sahtu

Sahtu Land Use Planning Board

Office d'aménagement territorial du Sahtu

Saint John Port Authority

Administration portuaire de Saint-Jean

The Seaway International Bridge Corporation, Ltd.

La Corporation du Pont international de la voie maritime, Ltée

Security Intelligence Review Committee

Comité de surveillance des activités de renseignement de sécurité

Sept-Îles Port Authority

Administration portuaire de Sept-Îles

Social Sciences and Humanities Research Council

Conseil de recherches en sciences humaines

Standards Council of Canada

Conseil canadien des normes

Statistics Canada

Statistique Canada

Statute Revision Commission

Commission de révision des lois

St. John's Port Authority

Administration portuaire de St. John's

Telefilm Canada

Téléfilm Canada

Thunder Bay Port Authority

Administration portuaire de Thunder Bay

Toronto Port Authority

Administration portuaire de Toronto

Treasury Board Secretariat

Secrétariat du Conseil du Trésor

Trois-Rivières Port Authority

Administration portuaire de Trois-Rivières

Vancouver Port Authority

Administration portuaire de Vancouver

Veterans Review and Appeal Board

Tribunal des anciens combattants (révision et appel)

Windsor Port Authority

Administration portuaire de Windsor

Yukon Environmental and Socio-economic Assessment Board

Office d'évaluation environnementale et socioéconomique du Yukon

Yukon Surface Rights Board

Office des droits de surface du Yukon

R.S., 1985, c. P-21, Sch.; R.S., 1985, c. 22 (1st Supp.), s. 11, c. 44 (1st Supp.), s. 5, c. 46 (1st Supp.), s. 9; SOR/85-612; R.S., 1985, c. 8 (2nd Supp.), s. 27, c. 19 (2nd Supp.), s. 52; SOR/86-136; R.S., 1985, c. 1 (3rd Supp.), s. 12, c. 3 (3rd Supp.), s. 2, c. 18 (3rd Supp.), s. 39, c. 20 (3rd Supp.), s. 39, c. 24 (3rd Supp.), s.

53, c. 28 (3rd Supp.), s. 308, c. 1 (4th Supp.), s. 48, c. 7 (4th Supp.), s. 7, c. 10 (4th Supp.), s. 22, c. 11 (4th Supp.), s. 15, c. 21 (4th Supp.), s. 5, c. 28 (4th Supp.), s. 36, c. 31 (4th Supp.), s. 101, c. 41 (4th Supp.), s. 53, c. 47 (4th Supp.), s. 52; SOR/88-110; 1989, c. 3, s. 47, c. 27, s. 22; 1990, c. 1, s. 31, c. 3, s. 32, c. 13, s. 25; SOR/90-326, 345; 1991, c. 3, s. 12, c. 6, s. 24, c. 16, s. 23, c. 38, ss. 29, 38; SOR/91-592; 1992, c. 1, ss. 114, 145(F), 155, c. 33, s. 70, c. 37, s. 78; SOR/92-97, 99; 1993, c. 1, ss. 10, 20, 32, 42, c. 3, ss. 17, 18, c. 28, s. 78, c. 31, s. 26, c. 34, ss. 104, 148; 1994, c. 26, ss. 57, 58, c. 31, s. 20, c. 38, ss. 21, 22, c. 41, ss. 29, 30, c. 43, s. 91; 1995, c. 1, ss. 54 to 56, c. 5, ss. 20, 21, c. 11, ss. 31, 32, c. 12, s. 11, c. 18, ss. 89, 90, c. 28, ss. 54, 55, c. 29, ss. 15, 31, 35, 75, 84, c. 45, s. 24; 1996, c. 8, ss. 27, 28, c. 9, s. 28, c. 10, ss. 253, 254, c. 11, ss. 77 to 80, c. 16, ss. 46 to 48; SOR/96-357, 539; 1997, c. 6, s. 84, c. 9, ss. 112, 113, c. 20, s. 55; 1998, c. 9, ss. 44, 45, c. 10, ss. 190 to 194, c. 25, s. 167, c. 26, ss. 77, 78, c. 31, s. 57, c. 35, s. 123; SOR/98-119, 150; SOR/98-321, s. 1; SOR/98-567; 1999, c. 17, ss. 174, 175, c. 31, ss. 177, 178; 2000, c. 6, ss. 45, 46, c. 17, s. 90, c. 28, s. 50, c. 34, s. 94(F); SOR/2000-176; 2001, c. 9, s. 590, c. 22, ss. 18, 19, c. 33, ss. 25, 26, c. 34, ss. 16, 78; SOR/2001-144, s. 1; SOR/2001-201, 330; 2002, c. 7, s. 228, c. 10, s. 191, c. 17, ss. 14, 25; SOR/2002-44, 72, 175, 292, 344; 2003, c. 7, s. 129, c. 22, ss. 248, 255, 256; SOR/2003-149, 422, 427, 434, 439; 2004, c. 7, s. 35, c. 11, ss. 40, 41; SOR/2004-23.

AMENDMENTS NOT IN FORCE

-- 2002, c. 7, s. 227:

1994, c. 43, s. 91

227. The schedule to the *Privacy Act* is amended by striking out the following under the heading "*Other Government Institutions*":

Yukon Surface Rights Board

Office des droits de surface du Yukon

-- 2003, c. 22, s. 189:

189. The reference to "Public Service Staff Relations Board" in the schedule to the *Privacy Act* is replaced by a reference to "Public Service Labour Relations Board".

-- 2003, c. 22, para. 225(z.17):

Replacement of
"Public Service"

225. The expression "Public Service" is replaced by the expression "public service" wherever it occurs in the English version of the following provisions, other than in the expressions "Public Service corporation", "*Public Service Employment Act*", "Public Service Pension Fund" and "*Public Service Superannuation Act*":

...

(z.17) subsection 54(3) of the *Privacy Act*;

...

-- 2003, c. 23, s. 81:

81. The schedule to the *Privacy Act* is amended by adding the following in

alphabetical order under the heading "*Other Government Institutions*":

Canadian Centre for the Independent Resolution of First Nations Specific Claims

Centre canadien du règlement indépendant des revendications particulières des premières nations

-- 2004, c. 2, s. 75:

75. The schedule to the *Privacy Act* is amended by adding the following in alphabetical order under the heading "*Other Government Institutions*":

Assisted Human Reproduction Agency of Canada

Agence canadienne de contrôle de la procréation assistée

-- 2004, c. 17, ss. 18, 19:

18. (1) Paragraph 8(2)(f) of the *Privacy Act* is replaced by the following:

(f) under an agreement or arrangement between the Government of Canada or an institution thereof and the government of a province, the council of the Westbank First Nation, the government of a foreign state, an international organization of states or an international organization established by the governments of states, or any institution of any such government or organization, for the purpose of administering or enforcing any law or carrying out a lawful investigation;

2000, c. 7, s. 26(2)

Definition of
"aboriginal
government"

(2) Subsection 8(7) of the Act is replaced by the following:

(7) The expression "aboriginal government" in paragraph (2)(k) means

(a) Nisga'a Government, as defined in the Nisga'a Final Agreement given effect by the *Nisga'a Final Agreement Act*; or

(b) the council of the Westbank First Nation.

Definition of "council
of the Westbank First
Nation"

(8) The expression "council of the Westbank First Nation" in paragraphs (2)(f) and (7)(b) means the council, as defined in the Westbank First Nation Self-Government Agreement given effect by the *Westbank First Nation Self-Government Act*.

19. Subsection 19(1) of the Act is amended by striking out the word "or" at the end of paragraph (c), by adding the word "or" at the end of paragraph (d) and by adding the following after paragraph (d):

(e) the council, as defined in the Westbank First Nation Self-Government Agreement given effect by the *Westbank First Nation Self-Government Act*.



Statutory Instruments Act

Statutory Instruments Act

CHAPTER S-22

An Act to provide for the examination, publication and scrutiny of regulations and other statutory instruments

SHORT TITLE

Short title

1. This Act may be cited as the *Statutory Instruments Act*.

1970-71-72, c. 38, s. 1.

INTERPRETATION

Definitions

2. (1) In this Act,

"prescribed" *Version anglaise seulement*

"prescribed" means prescribed by regulations made pursuant to this Act;

"regulation" «*règlement*»

"regulation" means a statutory instrument

(a) made in the exercise of a legislative power conferred by or under an Act of Parliament, or

(b) for the contravention of which a penalty, fine or imprisonment is prescribed by or under an Act of Parliament,

and includes a rule, order or regulation governing the practice or procedure in any proceedings before a judicial or quasi-judicial body established by or under an Act of Parliament, and any instrument described as a regulation in any other Act of Parliament;

"regulation-making authority" «*autorité réglementante*»

"regulation-making authority" means any authority authorized to make regulations and, with reference to any particular regulation or proposed regulation, means the authority that made or proposes to make the regulation;

"statutory instrument" «*texte réglementaire*»

"statutory instrument"

(a) means any rule, order, regulation, ordinance, direction, form, tariff of costs or fees, letters patent, commission, warrant, proclamation, by-law, resolution or other instrument issued, made or established

(i) in the execution of a power conferred by or under an Act of Parliament, by or under which that instrument is expressly authorized to be issued, made or established otherwise than by the conferring on any person or body of powers or functions in relation to a matter to which that instrument relates, or

(ii) by or under the authority of the Governor in Council, otherwise than in the execution of a power conferred by or under an Act of Parliament,

but

(b) does not include

(i) any instrument referred to in paragraph (a) and issued, made or established by a corporation incorporated by or under an Act of Parliament unless

(A) the instrument is a regulation and the corporation by which it is made is one that is ultimately accountable, through a Minister, to Parliament for the conduct of its affairs, or

(B) the instrument is one for the contravention of which a penalty, fine or imprisonment is prescribed by or under an Act of Parliament,

(ii) any instrument referred to in paragraph (a) and issued, made or established by a judicial or quasi-judicial body, unless the instrument is a rule, order or regulation governing the practice or procedure in proceedings before a judicial or quasi-judicial body established by or under an Act of Parliament,

(iii) any instrument referred to in paragraph (a) and in respect of which, or in respect of the production or other disclosure of which, any privilege exists by law or whose contents are limited to advice or information intended only for use or assistance in the making of a decision or the determination of policy, or in the ascertainment of any matter necessarily incidental thereto, or

(iv) an ordinance of the Northwest Territories, a law made by the Legislature of Yukon or the Legislature for Nunavut, a rule made by the Legislative Assembly of Yukon under section 16 of the *Yukon Act* or by the Legislative Assembly of Nunavut under section 21 of the *Nunavut Act* or any instrument issued, made or established under any such ordinance, law or rule.

Determination of whether certain instruments are regulations

(2) In applying the definition "regulation" in subsection (1) for the purpose of determining whether an instrument described in subparagraph (b)(i) of the definition "statutory instrument" in that subsection is a regulation, that instrument shall be deemed to be a statutory instrument, and any instrument accordingly determined to be a regulation shall be deemed to be a regulation for all purposes of this Act.

R.S., 1985, c. S-22, s. 2; 1993, c. 28, s. 78; 1998, c. 15, s. 38; 2002, c. 7, s. 236.

EXAMINATION OF PROPOSED REGULATIONS

Proposed regulations sent to Clerk of Privy Council

3. (1) Subject to any regulations made pursuant to paragraph 20(a), where a regulation-making authority proposes to make a regulation, it shall cause to be forwarded to the Clerk of the Privy Council three copies of the proposed regulation in both official languages.

Examination

(2) On receipt by the Clerk of the Privy Council of copies of a proposed regulation pursuant to subsection (1), the Clerk of the Privy Council, in consultation with the Deputy Minister of Justice, shall examine the proposed regulation to ensure that

(a) it is authorized by the statute pursuant to which it is to be made;

(b) it does not constitute an unusual or unexpected use of the authority pursuant to which it is to be made;

(c) it does not trespass unduly on existing rights and freedoms and is not, in any case, inconsistent with the purposes and provisions of the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*; and

(d) the form and draftsmanship of the proposed regulation are in accordance with established standards.

Advise regulation-making authority

(3) When a proposed regulation has been examined as required by subsection (2), the Clerk of the Privy Council shall advise the regulation-making authority that the proposed regulation has been so examined and shall indicate any matter referred to in paragraph (2)(a), (b), (c) or (d) to which, in the opinion of the Deputy Minister of Justice, based on that examination, the attention of the regulation-making authority should be drawn.

Application

(4) Paragraph (2)(d) does not apply to any proposed rule, order or regulation governing the practice or procedure in proceedings before the Supreme Court of Canada, the Federal Court of Appeal, the Federal Court, the Tax Court of Canada or the Court Martial Appeal Court.

R.S., 1985, c. S-22, s. 3; R.S., 1985, c. 31 (1st Supp.), s. 94, c. 51 (4th Supp.), s. 22; 2002, c. 8, s. 174.

Doubt as to nature of proposed statutory instrument

4. Where any regulation-making authority or other authority responsible for the issue, making or establishment of a statutory instrument, or any person acting on behalf of such an authority, is uncertain as to whether a proposed statutory instrument would be a regulation if it were issued, made or established by that authority, it or he shall cause a copy of the proposed statutory instrument to be forwarded to the Deputy Minister of Justice who shall determine whether or not the instrument would be a regulation if it were so issued, made or established.

1970-71-72, c. 38, s. 4.

TRANSMISSION AND REGISTRATION

Transmission of regulations to Clerk of Privy Council

5. (1) Subject to any regulations made pursuant to paragraph 20(b), every regulation-making authority shall, within seven days after making a regulation, transmit copies of the regulation in both official languages to the Clerk of the Privy Council for registration pursuant to section 6.

Copies to be certified

(2) One copy of each of the official language versions of each regulation that is transmitted to the Clerk of the Privy Council pursuant to subsection (1), other than a regulation made or approved by the Governor in Council, shall be certified by the regulation-making authority to be a true copy thereof.

R.S., 1985, c. S-22, s. 5; R.S., 1985, c. 31 (4th Supp.), s. 102.

Registration of statutory instruments

6. Subject to subsection 7(1), the Clerk of the Privy Council shall register

(a) every regulation transmitted to him pursuant to subsection 5(1);

(b) every statutory instrument, other than a regulation, that is required by or under any Act of Parliament to be published in the *Canada Gazette* and is so published; and

(c) every statutory instrument or other document that, pursuant to any regulation made under paragraph 20(g), is directed or authorized by the Clerk of the Privy Council to be published in the *Canada Gazette*.

R.S., 1985, c. S-22, s. 6; 1993, c. 34, s. 113(F).

Refusal to register

7. (1) Where any statutory instrument is transmitted or forwarded to the Clerk of the Privy Council for registration under this Act, the Clerk of the Privy Council may refuse to register the instrument if

(a) he is not advised that the instrument was, before it was issued, made or established, determined by the Deputy Minister of Justice pursuant to section 4 to be one that would, if it were issued, made or established, not be a regulation; and

(b) in his opinion, the instrument was, before it was issued, made or established, a proposed regulation to which subsection 3(1) applied and was not examined in accordance with subsection 3(2).

Determination by
Deputy Minister of
Justice

(2) Where the Clerk of the Privy Council refuses to register any statutory instrument for the reasons referred to in subsection (1), he shall forward a copy of the instrument to the Deputy Minister of Justice who shall determine whether or not it is a regulation.

1970-71-72, c. 38, s. 7.

POWER TO REVOKE REGULATIONS

Revocation of
regulations by
Governor in Council

8. No regulation is invalid by reason only that it was not examined in accordance with subsection 3(2), but where any statutory instrument that was issued, made or established without having been so examined

(a) was, before it was issued, made or established, determined by the Deputy Minister of Justice pursuant to section 4 to be one that would, if it were issued, made or established, be a regulation, or

(b) has, since its issue, making or establishment, been determined by the Deputy Minister of Justice pursuant to subsection 7(2) to be a regulation,

the Governor in Council, on the recommendation of the Minister of Justice, may, notwithstanding the provisions of the Act by or under the authority of which the instrument was or purports to have been issued, made or established, revoke the instrument in whole or in part and thereupon cause the regulation-making authority or other authority by which it was issued, made or established to be notified in writing of that action.

1970-71-72, c. 38, s. 8.

COMING INTO FORCE OF REGULATIONS

Coming into force

9. (1) No regulation shall come into force on a day earlier than the day on which it is registered unless

(a) it expressly states that it comes into force on a day earlier than that day and is registered within seven days after it is made, or

(b) it is a regulation of a class that, pursuant to paragraph 20(b), is exempted from the application of subsection 5(1),

in which case it shall come into force, except as otherwise authorized or provided by or under the Act pursuant to which it is made, on the day on which it is made or on such later day as may be stated in the regulation.

Where regulation comes into force before registration

(2) Where a regulation is expressed to come into force on a day earlier than the day on which it is registered, the regulation-making authority shall advise the Clerk of the Privy Council in writing of the reasons why it is not practical for the regulation to come into force on the day on which it is registered.

1970-71-72, c. 38, s. 9.

PUBLICATION IN CANADA GAZETTE

Official gazette of Canada

10. (1) The Queen's Printer shall continue to publish the *Canada Gazette* as the official gazette of Canada.

Publication

(2) The Governor in Council may determine the form and manner in which the *Canada Gazette*, or any part of it, is published, including publication by electronic means.

R.S., 1985, c. S-22, s. 10; 2000, c. 5, s. 58.

Regulations to be published in *Canada Gazette*

11. (1) Subject to any regulations made pursuant to paragraph 20(c), every regulation shall be published in the *Canada Gazette* within twenty-three days after copies thereof are registered pursuant to section 6.

No conviction under unpublished regulation

(2) No regulation is invalid by reason only that it was not published in the *Canada Gazette*, but no person shall be convicted of an offence consisting of a contravention of any regulation that at the time of the alleged contravention was not published in the *Canada Gazette* unless

(a) the regulation was exempted from the application of subsection (1) pursuant to paragraph 20(c), or the regulation expressly provides that it shall apply according to its terms before it is published in the *Canada Gazette*; and

(b) it is proved that at the date of the alleged contravention reasonable steps had been taken to bring the purport of the regulation to the notice of those persons likely to be affected by it.

R.S., 1985, c. S-22, s. 11; R.S., 1985, c. 31 (4th Supp.), s. 103.

Power to direct or authorize publication in *Canada Gazette*

12. Notwithstanding anything in this Act, the Governor in Council may by regulation direct that any statutory instrument or other document, or any class thereof, be published in the *Canada Gazette* and the Clerk of the Privy Council, where authorized by regulations made by the Governor in Council, may direct or authorize the publication in the *Canada Gazette* of any statutory instrument or other document, the publication of which, in his opinion, is in the public interest.

1970-71-72, c. 38, s. 12.

DISTRIBUTION OF CANADA GAZETTE

Distribution of *Canada Gazette* to Members of Parliament

13. (1) A copy of each regulation that is published in the *Canada Gazette* shall be provided to each member of the Senate and House of Commons by delivering to each such member without charge a copy of the *Canada Gazette* in which the regulation is published.

Distribution of *Canada Gazette* to public

(2) Copies of the *Canada Gazette* shall be delivered without charge to such persons or classes of persons, in addition to those described in subsection (1), as may be prescribed and may be sold to any person on payment of the charge prescribed therefor.

1970-71-72, c. 38, s. 13.

INDEXES

Quarterly consolidated index of regulations

14. (1) The Clerk of the Privy Council shall prepare and the Queen's Printer shall publish quarterly a consolidated index of all regulations and amendments to regulations in force at any time after the end of the preceding calendar year, other than any regulation that is exempted from the application of subsection 11(1) as a regulation described in subparagraph 20(c)(iii).

Quarterly index of documents other than regulations

(2) The Queen's Printer shall prepare and publish a quarterly index of all documents, other than regulations, that have been published in the *Canada Gazette* during the three month period immediately preceding the month in which the index is published.

1970-71-72, c. 38, s. 14.

REVISIONS AND CONSOLIDATIONS OF REGULATIONS

Power to request revision or consolidation

15. (1) Where the Clerk of the Privy Council, after consultation with the Deputy Minister of Justice, is of the opinion that any particular regulations should be revised or consolidated, he may request the regulation-making authority or any person acting on behalf of such authority to prepare a revision or consolidation of those regulations.

Failure to comply with request

(2) Where any authority or person referred to in subsection (1) fails to comply within a reasonable time with a request made pursuant to that subsection, the Governor in Council may, by order, direct that authority or person to comply with the request within such period of time as he may specify in the order.

1970-71-72, c. 38, s. 22.

JUDICIAL NOTICE OF STATUTORY INSTRUMENTS

Judicial notice

16. (1) A statutory instrument that has been published in the *Canada Gazette* shall be judicially noticed.

Evidence

(2) In addition to any other manner of proving the existence or contents of a statutory instrument, evidence of the existence or contents of a statutory instrument may be given by the production of a copy of the *Canada Gazette* purporting to contain the text of the statutory instrument.

Deemed publication in *Canada Gazette*

(3) For the purposes of this section,

(a) if a regulation is included in a copy of the Consolidated Regulations of Canada, 1978 purporting to be printed by the Queen's Printer, that regulation is deemed to have been published in the *Canada Gazette*; and

(b) if a regulation is included in a copy of a revision of regulations purporting to be printed by the Queen's Printer, that regulation is deemed to have been published in the *Canada Gazette*.

R.S., 1985, c. S-22, s. 16; 2000, c. 5, s. 59.

RIGHT OF ACCESS TO STATUTORY INSTRUMENTS

Inspection of statutory instruments

17. Subject to any other Act of Parliament and to any regulations made pursuant to paragraph 20(d), any person may, on payment of the fee prescribed therefor, inspect

(a) any statutory instrument that has been registered by the Clerk of the Privy Council, by attending at the office of the Clerk of the Privy Council or at such other place as may be designated by him and requesting that the statutory instrument be produced for inspection; or

(b) any statutory instrument that has not been registered by the Clerk of the Privy Council, by attending at the head or central office of the authority that made the statutory instrument or at such other place as may be designated by that authority and requesting that the statutory instrument be produced for inspection.

1970-71-72, c. 38, s. 24.

Copies of statutory instruments

18. Subject to any other Act of Parliament and to any regulations made pursuant to paragraph 20(d), any person may, on payment of the fee prescribed therefor, obtain copies of

(a) any statutory instrument that has been registered by the Clerk of the Privy Council, by writing to the Clerk of the Privy Council or by attending at the office of the Clerk of the Privy Council or at such other place as may be designated by him and requesting that a copy of the statutory instrument be provided; or

(b) any statutory instrument that has not been registered by the Clerk of the Privy Council, by writing to the authority that made the statutory instrument or by attending at the head or central office of the authority or at such other place as may be designated by that authority and requesting that a copy of the statutory instrument be provided.

1970-71-72, c. 38, s. 25.

SCRUTINY BY PARLIAMENT OF STATUTORY INSTRUMENTS

Statutory instruments referred to Scrutiny Committee

19. Every statutory instrument issued, made or established after December 31, 1971, other than an instrument the inspection of which and the obtaining of copies of which are precluded by any regulations made pursuant to paragraph 20(d), shall stand permanently referred to any Committee of the House of Commons, of the Senate or of both Houses of Parliament that may be established for the purpose of reviewing and scrutinizing statutory instruments.

1970-71-72, c. 38, s. 26.

Resolution to revoke a regulation

19.1 (1) Subject to subsection (2), a committee of both Houses of Parliament may make a report to the Senate and the House of Commons containing only a resolution that all or any portion of a regulation that stands permanently referred to the committee be revoked.

Notice

(2) No report may be made unless the authority authorized to make the regulation has been notified, at least 30 days before the committee adopts the

report, that the committee intends to consider the report. If the regulation is authorized to be made by the Governor in Council, the notice must be given to the Minister responsible for the provision under which the regulation may be made.

Only one report per sitting day

(3) Not more than one report shall be laid before the Senate or the House of Commons during any sitting day of that House.

Contents of report

(4) In each House, the Senator or member who presents the report shall

(a) state that it contains a resolution pursuant to subsection (1);

(b) identify the regulation or portion of the regulation in relation to which the report is made and indicate that the text of the regulation or portion is included in the report; and

(c) state that notice has been given in accordance with subsection (2).

Deemed adoption

(5) The resolution is deemed to have been adopted by the Senate or the House of Commons on the fifteenth sitting day after the report is presented to that House unless, before that time, a Minister files with the Speaker of that House a motion to the effect that the resolution not be adopted.

Time for consideration of motion

(6) The House in which the motion is filed shall meet at 1:00 o'clock p.m. on the Wednesday next, or at any later time or date fixed by unanimous consent of that House. At that time the order of business shall be the consideration of the motion.

Debate

(7) The motion shall be debated without interruption for not more than one hour, during which time no Senator or member may speak for more than ten minutes. On the conclusion of the debate or at the expiration of the hour, the Speaker shall immediately, without amendment or further debate, put every question necessary for the disposal of the motion.

More than one motion

(8) If more than one motion is made pursuant to subsection (5), the Senate or the House of Commons shall consider those motions in the order in which they may be set down for consideration at the request of a Minister, as long as the motions are grouped together for debate.

Revocation of regulation

(9) Where both Houses have adopted or are deemed to have adopted a resolution that all or any portion of a regulation be revoked, the authority authorized to make the regulation shall revoke the regulation or portion of the regulation no later than 30 days, or any longer period that may be specified in the resolution, after the later of the dates on which the Houses have adopted or are deemed to have adopted the resolution.

Definition of "sitting day"

(10) For the purposes of this section, "sitting day" means, in respect of either House of Parliament, a day on which that House sits.

2003, c. 18, s. 1.

REGULATIONS

Regulations

20. The Governor in Council may make regulations,

(a) exempting any proposed regulation or class of regulation from the application of subsection 3(1) where that regulation or class of regulation would, if it were made, be exempted from the application of subsection 5(1) or 11(1) as a regulation or class of regulation described in subparagraph (c)(ii);

(b) exempting any class of regulation from the application of subsection 5(1) where, in the opinion of the Governor in Council, the registration thereof is not reasonably practicable due to the number of regulations of that class;

(c) subject to any other Act of Parliament, exempting from the application of subsection 11(1)

(i) any class of regulation that is exempted from the application of subsection 5(1),

(ii) any regulation or class of regulation where the Governor in Council is satisfied that the regulation or class of regulation affects or is likely to affect only a limited number of persons and that reasonable steps have been or will be taken for the purpose of bringing the purport thereof to the notice of those persons affected or likely to be affected by it, or

(iii) any regulation or class of regulation where the Governor in Council is satisfied that the regulation or class of regulation is such that publication could reasonably be expected to be injurious to

(A) the conduct by the Government of Canada of federal-provincial affairs, or

(B) the conduct of international affairs, the defence of Canada or any state allied or associated with Canada, as defined in subsection 15(2) of the *Access to Information Act*, or the detection, prevention or suppression of subversive or hostile activities, as defined in that subsection;

(d) precluding the inspection of and the obtaining of copies of

(i) any regulation or class of regulation that has been exempted from the application of subsection 11(1) as a regulation described in subparagraph (c) (iii),

(ii) any statutory instrument or class of statutory instrument other than a regulation, where the Governor in Council is satisfied that the inspection thereof and the obtaining of copies thereof could reasonably be expected to have the injurious effect described in clause (c)(iii)(A) or (B), or

(iii) any statutory instrument or class of statutory instrument the inspection of which or the making of copies of which is not otherwise provided for by law, in respect of which the Governor in Council is satisfied that the inspection or making of copies thereof as provided for by this Act would, if it were not precluded by any regulation made under this section, result or be likely to result in injustice or undue hardship to any person or body affected thereby or in serious and unwarranted detriment to any such person or body in the matter or conduct of his or its affairs;

(e) prescribing the manner in which a regulation-making authority shall transmit copies of a regulation to the Clerk of the Privy Council;

(f) prescribing the form and manner in which any statutory instrument shall be registered and the form and manner in which and the period of time for which records of any statutory instrument shall be maintained;

(g) authorizing the Clerk of the Privy Council to direct or authorize publication in

the *Canada Gazette* of any statutory instrument or other document, the publication of which, in the opinion of the Clerk of the Privy Council, is in the public interest;

(h) respecting the form and manner in which the *Canada Gazette* shall be published and prescribing the classes of documents that may be published therein;

(i) requiring any regulation-making authority to forward to the Clerk of the Privy Council such information relating to any regulations made by it that are exempted from the application of subsection 11(1) as will enable the Clerk of the Privy Council to carry out the obligation imposed on him by subsection 14(1);

(j) respecting the form and manner in which any index of statutory instruments or any consolidation of regulations shall be prepared and published;

(k) prescribing the persons or classes of persons to whom copies of any consolidation of regulations may be delivered without charge and prescribing the charge that shall be paid by any other person for a copy of any such consolidation;

(l) prescribing the fee that shall be paid by any person for any inspection of a statutory instrument or for obtaining a copy thereof or the manner in which any such fee shall be determined; and

(m) prescribing any matter or thing that by this Act is to be prescribed.

R.S., 1985, c. S-22, s. 20; 1993, c. 34, s. 114(F).

*Other Land Claim and/or
Self-Government Acts*



J



Nisga'a Final Agreement Act

Nisga'a Final Agreement Act

2000, c. 7

An Act to give effect to the Nisga'a Final Agreement

[Assented to 13th April, 2000]

Preamble

Whereas the reconciliation between the prior presence of aboriginal peoples and the assertion of sovereignty by the Crown is of significant social and economic importance to Canadians;

Whereas Canadian courts have stated that this reconciliation is best achieved through negotiation and agreement, rather than through litigation or conflict;

Whereas representatives of the Nisga'a Nation, Her Majesty in right of Canada and Her Majesty in right of British Columbia have negotiated the Nisga'a Final Agreement to achieve this reconciliation and to establish a new relationship among them;

Whereas the Constitution of Canada is the supreme law of Canada;

Whereas the Nisga'a Final Agreement states that the Agreement does not alter the Constitution of Canada;

Whereas the Nisga'a Final Agreement states that the *Canadian Charter of Rights and Freedoms* applies to Nisga'a Government in respect of all matters within its authority, bearing in mind the free and democratic nature of Nisga'a Government as set out in the Agreement;

And Whereas the enactment of federal legislation is required by the Nisga'a Final Agreement to give effect to the Agreement;

Now, Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Nisga'a Final Agreement Act*.

INTERPRETATION

Definitions

2. (1) The definitions in this subsection apply in this Act.

"Nisga'a Final Agreement" « *Accord définitif nisga'a* »

"Nisga'a Final Agreement" means the Nisga'a Final Agreement signed on behalf of the Nisga'a Nation and Her Majesty in right of British Columbia on April 27, 1999 and on behalf of Her Majesty in right of Canada on May 4, 1999 and laid before the House of Commons on October 19, 1999, and includes any amendments made to that Agreement from time to time in accordance with its provisions.

"settlement

"settlement legislation" means the Acts of Parliament and the Acts of the

legislation" « <i>législation de mise en vigueur</i> »	Legislature of British Columbia that give effect to the Nisga'a Final Agreement, including this Act and the <i>Nisga'a Final Agreement Act</i> (British Columbia).
"Taxation Agreement" « <i>accord fiscal</i> »	"Taxation Agreement" means the Nisga'a Nation Taxation Agreement, laid before the House of Commons on October 19, 1999, and entered into on the effective date of the Nisga'a Final Agreement by the Nisga'a Nation, Her Majesty in right of Canada and Her Majesty in right of British Columbia, as provided for by paragraph 21 of the Taxation Chapter of the Nisga'a Final Agreement, and includes any amendments made to the Nisga'a Nation Taxation Agreement from time to time in accordance with its provisions.
Expressions defined in Agreement	(2) Words and expressions used in this Act have the same meaning as in the Nisga'a Final Agreement, unless the context requires otherwise.
<i>Constitution Act, 1982</i>	3. The Nisga'a Final Agreement is a treaty and a land claims agreement within the meaning of sections 25 and 35 of the <i>Constitution Act, 1982</i> .

NISGA'A FINAL AGREEMENT

Nisga'a Final Agreement	4. (1) The Nisga'a Final Agreement is approved, given effect and declared valid and has the force of law.
Rights and duties	(2) Without limiting the application of subsection (1), a person or body has the powers, rights, privileges and benefits conferred on the person or body by the Nisga'a Final Agreement and shall perform the duties and is subject to the liabilities imposed on the person or body by that Agreement.
Saving	(3) No provision made by this Act for a matter that is already provided for in the Nisga'a Final Agreement limits the application of this section.
Agreement binding	5. The Nisga'a Final Agreement is binding on, and can be relied on by, all persons.
Conflict between Agreement and laws	6. In the event of an inconsistency or conflict between the Nisga'a Final Agreement and the provisions of any federal or provincial law, including this Act, that Agreement prevails to the extent of the inconsistency or conflict.
Aboriginal rights	7. (1) Notwithstanding the common law, as a result of the Nisga'a Final Agreement and the settlement legislation, the aboriginal rights, including the aboriginal title, of the Nisga'a Nation, as they existed anywhere in Canada before the effective date of that Agreement, including their attributes and geographic extent, are modified, and continue as modified, as set out in that Agreement.
Aboriginal title	(2) For greater certainty, the aboriginal title of the Nisga'a Nation anywhere that it existed in Canada before the effective date of the Nisga'a Final Agreement is modified and continues as the estates in fee simple to those areas identified in that Agreement as Nisga'a Lands or Nisga'a Fee Simple Lands.
Interpretation	(3) The express derogation from the common law contained in subsection (1), which is also contained in paragraph 24 of the General Provisions Chapter of the Nisga'a Final Agreement, shall not be construed so as to limit the effect on the common law of any other provision of this or any other Act that does not contain an express derogation from the common law.
Fee simple estate	8. On the effective date of the Nisga'a Final Agreement, the Nisga'a Nation owns the estate in fee simple, as set out in the Lands Chapter of that Agreement, in (a) the Nisga'a Lands identified in paragraphs 1 and 2 of the Lands Chapter of

that Agreement; and

(b) Category A Lands and Category B Lands.

GENERAL

- Appropriation **9.** There shall be paid out of the Consolidated Revenue Fund the sums that are required to meet the obligations of Canada under the Capital Transfer and Negotiation Loan Repayment Chapter and the Fisheries Chapter of the Nisga'a Final Agreement.
- Regulations **10.** The Governor in Council may make any regulations or orders that the Governor in Council considers necessary or advisable for the purpose of carrying out any of the provisions of the Nisga'a Final Agreement or of the Taxation Agreement.
- Judicial notice of Agreements **11.** (1) Judicial notice shall be taken of the Nisga'a Final Agreement and the Taxation Agreement.
- Publication of Agreements (2) The Nisga'a Final Agreement and the Taxation Agreement shall be published by the Queen's Printer.
- Evidence (3) A copy of the Nisga'a Final Agreement or the Taxation Agreement published by the Queen's Printer is evidence of that Agreement, and a copy purporting to be published by the Queen's Printer shall be deemed to be so published, unless the contrary is shown.
- Judicial notice of Nisga'a laws **12.** (1) Judicial notice shall be taken of Nisga'a laws.
- Evidence of Nisga'a law (2) A copy of a Nisga'a law purporting to be deposited in the public registry of Nisga'a laws referred to in the Nisga'a Government Chapter of the Nisga'a Final Agreement is evidence of that law and of its contents, unless the contrary is shown.
- Harvest Agreement **13.** (1) The Minister of Fisheries and Oceans has the authority, on behalf of Her Majesty in right of Canada, to enter into the Harvest Agreement described in the Fisheries Chapter of the Nisga'a Final Agreement.
- Not a treaty (2) The Harvest Agreement does not form part of the Nisga'a Final Agreement, and it is not a treaty or a land claims agreement within the meaning of section 25 or 35 of the *Constitution Act, 1982*.
- Taxation Agreement given effect **14.** (1) The Taxation Agreement is approved, given effect and declared valid.
- Force of law (2) Paragraphs 1, 4 to 15, 28 to 32 and 34 to 36 of the Taxation Agreement have the force of law during the period that the Agreement, by its terms, is in force.
- Saving (3) Nothing in the Taxation Agreement or in this Act limits any entitlement of the Nisga'a Nation, a Nisga'a Village or a Nisga'a government corporation to any benefit available to it under a federal law of general application.
- Transfers of capital (4) A transfer of Nisga'a capital, other than cash, between or among two or more of the Nisga'a Nation, Nisga'a Villages and Nisga'a government corporations, is not taxable under a federal law during the period that the Taxation Agreement, by its terms, is in force.
- Definitions (5) For the purposes of subsections (3) and (4) and the paragraphs of the Taxation Agreement referred to in subsection (2), the definitions in the Taxation Agreement have the force of law.

Not a treaty

(6) The Taxation Agreement does not form part of the Nisga'a Final Agreement, and it is not a treaty or a land claims agreement within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.

LAWS OF BRITISH COLUMBIA

Application of laws

15. To the extent that a law of British Columbia does not apply of its own force to the Nisga'a Nation, Nisga'a Villages, Nisga'a Institutions, Nisga'a Corporations or Nisga'a citizens, that law applies, subject to this Act and any other Act of Parliament, in accordance with the Nisga'a Final Agreement to the Nisga'a Nation, Nisga'a Villages, Nisga'a Institutions, Nisga'a Corporations or Nisga'a citizens, as the case may be.

APPLICATION OF OTHER ACTS

Indian Act

16. Subject to the Indian Act Transition Chapter and paragraphs 5 and 6 of the Taxation Chapter of the Nisga'a Final Agreement, the *Indian Act* does not apply to the Nisga'a Nation, Nisga'a Villages, Nisga'a Institutions or Nisga'a citizens as of the effective date of that Agreement, except for the purpose of determining whether an individual is an "Indian".

Section 126 of
Criminal Code

17. For greater certainty, section 126 of the *Criminal Code* does not apply in respect of anything required to be done or forbidden to be done by or under the Nisga'a Final Agreement.

Statutory Instruments Act

18. For greater certainty, neither Nisga'a laws nor any instruments made under the Nisga'a Final Agreement are statutory instruments within the meaning of the *Statutory Instruments Act*.

Federal Courts Act

19. For greater certainty, no Nisga'a Institution or Nisga'a Court, and no body or person appointed by Nisga'a Government having, exercising or purporting to exercise jurisdiction or powers conferred by or under a Nisga'a law, is a federal board, commission or other tribunal within the meaning of the *Federal Courts Act*.

2000, c. 7, s. 19; 2002, c. 8, s. 182.

LEGAL PROCEEDINGS

Notice of issues
arising

20. (1) If, in any judicial or administrative proceeding, an issue arises in respect of

(a) the interpretation or validity of the Nisga'a Final Agreement, or

(b) the validity or applicability of any settlement legislation or any Nisga'a law,

the issue shall not be decided until the party raising the issue has properly served notice on the Attorney General of Canada, the Attorney General of British Columbia and the Nisga'a Lisims Government.

Content of notice

(2) The notice required under subsection (1) must

(a) describe the judicial or administrative proceeding in which the issue arises;

(b) state whether the issue arises in respect of the matters referred to in paragraph (1)(a) or (b) or both;

(c) state the day on which the issue is to be argued;

(d) give particulars necessary to show the point to be argued; and

(e) be served at least fourteen days before the day of argument, unless the court or tribunal authorizes a shorter period.

Participation in proceedings

(3) In any judicial or administrative proceeding to which subsection (1) applies, the Attorney General of Canada, the Attorney General of British Columbia and the Nisga'a Lisims Government may appear and participate in the proceeding as parties with the same rights as any other party.

Saving

(4) For greater certainty, subsections (2) and (3) do not require that an oral hearing be held where one is not otherwise required.

RELATED AMENDMENTS

21. to 26. [Amendments]

COMING INTO FORCE

Order of Governor in Council

*27. The provisions of this Act come into force on a day or days to be fixed by order of the Governor in Council.

*[Note: Act in force May 11, 2000, see SI/2000-38.]

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*Tlicho Land Claims and
Self-Government Act*

C-14

First Session, Thirty-eighth Parliament,
53 Elizabeth II, 2004

HOUSE OF COMMONS OF CANADA

BILL C-14

An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts

AS PASSED

BY THE HOUSE OF COMMONS
DECEMBER 7, 2004

C-14

Première session, trente-huitième législature,
53 Elizabeth II, 2004

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-14

Loi mettant en vigueur l'accord sur les revendications territoriales et l'autonomie gouvernementale conclu entre le peuple tlicho, le gouvernement des Territoires du Nord-Ouest et le gouvernement du Canada et modifiant la Loi sur la gestion des ressources de la vallée du Mackenzie et d'autres lois en conséquence

ADOPTÉ

PAR LA CHAMBRE DES COMMUNES
LE 7 DÉCEMBRE 2004

RECOMMENDATION

Her Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and for the purposes set out in a measure entitled "*An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts*".

SUMMARY

This enactment gives effect to the Tlicho Land Claims and Self-Government Agreement and the Tlicho Tax Treatment Agreement. It includes related amendments to the *Mackenzie Valley Resource Management Act* and consequential amendments to a number of other Acts.

RECOMMANDATION

Son Excellence la gouverneure générale recommande à la Chambre des communes l'affectation de deniers publics dans les circonstances, de la manière et aux fins prévues dans une mesure intitulée « *Loi mettant en vigueur l'accord sur les revendications territoriales et l'autonomie gouvernementale conclu entre le peuple tlicho, le gouvernement des Territoires du Nord-Ouest et le gouvernement du Canada et modifiant la Loi sur la gestion des ressources de la vallée du Mackenzie et d'autres lois en conséquence* ».

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HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-14

PROJET DE LOI C-14

An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts

Loi mettant en vigueur l'accord sur les revendications territoriales et l'autonomie gouvernementale conclu entre le peuple tlicho, le gouvernement des Territoires du Nord-Ouest et le gouvernement du Canada et modifiant la Loi sur la gestion des ressources de la vallée du Mackenzie et d'autres lois en conséquence

Preamble

WHEREAS the Tlicho is an aboriginal people of Canada that has used and occupied lands in and adjacent to the Northwest Territories from time immemorial;

WHEREAS the Tlicho, as represented by the Dogrib Treaty 11 Council, the Government of the Northwest Territories and the Government of Canada negotiated a land claims and self-government agreement in order to define and provide certainty in respect of rights of the Tlicho relating to lands, resources and self-government;

WHEREAS the Tlicho, by a vote held on June 26 and 27, 2003, approved the agreement;

WHEREAS the Tlicho, as represented by the Dogrib Treaty 11 Council, the Government of the Northwest Territories and the Government of Canada signed the agreement on August 25, 2003;

WHEREAS on October 10, 2003 the Commissioner in Council of the Northwest Territories made an ordinance entitled the *Tlicho Land Claims and Self-Government Agreement Act* approving the agreement;

Attendu :

que le peuple tlicho est un peuple autochtone du Canada qui, de temps immémorial, occupe et utilise des terres comprises dans les Territoires du Nord-Ouest et des terres contiguës à ceux-ci;

que le peuple tlicho, représenté par le Conseil des Dogribs visés par le Traité n° 11, a négocié avec les gouvernements des Territoires du Nord-Ouest et du Canada un accord sur ses revendications territoriales et son autonomie gouvernementale en vue de donner un caractère de certitude à cette autonomie et à ses droits relativement aux terres et aux ressources naturelles et en vue de définir certains de ces droits;

que le peuple tlicho a, par un vote tenu les 26 et 27 juin 2003, autorisé la conclusion de l'accord;

que le peuple tlicho, représenté par le Conseil des Dogribs visés par le Traité n° 11, et les gouvernements des Territoires du Nord-Ouest et du Canada ont signé l'accord le 25 août 2003;

Préambule

AND WHEREAS the agreement provides that the agreement will be a land claims agreement within the meaning of section 35 of the *Constitution Act, 1982* and that approval by Parliament is a condition precedent to the validity of the agreement;

que le commissaire en conseil des Territoires du Nord-Ouest a pris, le 10 octobre 2003, l'ordonnance intitulée *Loi sur l'accord sur les revendications territoriales et l'autonomie gouvernementale du peuple tlıcho* approuvant l'accord;

que l'accord stipule qu'il constitue un accord sur des revendications territoriales au sens de l'article 35 de la *Loi constitutionnelle de 1982* et que son approbation par le Parlement est un préalable à sa validité,

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte:

SHORT TITLE

TITRE ABRÉGÉ

Short title 1. This Act may be cited as the *Tłicho Land Claims and Self-Government Act*. 15

1. *Loi sur les revendications territoriales et l'autonomie gouvernementale du peuple tlıcho*. 15 Titre abrégé

INTERPRETATION

DÉFINITIONS

Definitions 2. The following definitions apply in this Act.

2. Les définitions qui suivent s'appliquent à la présente loi. Définitions

"Agreement" "Agreement" means the Land Claims and Self-Government Agreement among the Tłicho, the Government of the Northwest Territories and the Government of Canada, signed on August 25, 2003, including any amendments made to it from time to time.

« Accord » L'accord sur les revendications territoriales et l'autonomie gouvernementale conclu entre le peuple tlıcho, le gouvernement des Territoires du Nord-Ouest et le gouvernement du Canada et signé le 25 août 2003, avec ses modifications éventuelles.

« Accord »
"Agreement"

"Tax Treatment Agreement" "Tax Treatment Agreement" means the Tax Treatment Agreement among the Government of Canada, the Government of the Northwest Territories and the Tłicho First Nation, signed on behalf of the Government of Canada on February 6, 2003, on behalf of the Government of the Northwest Territories on February 27, 2003 and on behalf of the Tłicho First Nation on March 3, 2003, including any amendments made to it from time to time.

« accord sur le traitement fiscal » L'accord sur le traitement fiscal conclu entre le gouvernement du Canada, le gouvernement des Territoires du Nord-Ouest et la première nation tlıcho et signé le 6 février 2003 pour le compte du gouvernement du Canada, le 27 février 2003 pour le compte du gouvernement des Territoires du Nord-Ouest et le 3 mars 2003 pour le compte de la première nation tlıcho, avec ses modifications éventuelles.

« accord sur le traitement fiscal »
"Tax Treatment Agreement"

"Tłicho Government" "Tłicho Government" means the government of the Tłicho First Nation established in accordance with chapter 7 of the Agreement.

« gouvernement tlıcho » Le gouvernement de la première nation tlıcho institué conformément au chapitre 7 de l'Accord.

« gouvernement tlıcho »
"Tłicho Government"

"Tłicho law" "Tłicho law" means a law enacted by the Tłicho Government.

« loi tlıcho » Toute règle de droit établie par le gouvernement tlıcho.

« loi tlıcho »
"Tłicho law"

« peuple tlıcho » S'entend au sens du chapitre de l'Accord.

« peuple tlıcho »
French version only

AGREEMENT

ACCORD

Agreement given effect

3. (1) The Agreement is approved, given effect and declared valid and has the force of law.

3. (1) L'Accord est approuvé, mis en vigueur et déclaré valide, et il a force de loi.

Entérinement de l'Accord

Rights and obligations

(2) For greater certainty, any person or body may exercise the powers, rights, privileges and benefits conferred on the person or body by the Agreement and shall perform the duties, and is subject to the liabilities, imposed on the person or body by the Agreement.

(2) Il est entendu que les personnes ou organismes visés par l'Accord ont les droits, pouvoirs, privilèges et avantages qui leur sont conférés par lui et sont assujettis aux obligations et responsabilités qui y sont prévues.

Droits, privilèges etc.

Agreement binding

(3) For greater certainty, the Agreement is binding on, and may be relied on by, all persons and bodies.

(3) Il est entendu que l'Accord est opposable à toute personne et à tout organisme et que ceux-ci peuvent s'en prévaloir.

Opposabilité

Publication of Agreement and amendments

4. The Minister of Indian Affairs and Northern Development shall cause a copy of the Agreement and of any amendments made to it to be deposited in

4. Le ministre des Affaires indiennes et du Nord canadien fait déposer une copie de l'Accord et de ses modifications éventuelles :

Publication

(a) the Library of Parliament;

a) à la bibliothèque du Parlement;

(b) the library of the Legislative Assembly of the Northwest Territories;

b) à la bibliothèque de l'Assemblée législative des Territoires du Nord-Ouest;

(c) the main office of the Tlicho Government;

c) au siège du gouvernement tlicho;

(d) the library of the Department of Indian Affairs and Northern Development that is situated in the National Capital Region;

d) à la bibliothèque du ministère des Affaires indiennes et du Nord canadien située dans la région de la capitale nationale;

(e) the office of the Registrar of Land Titles for the Northwest Territories;

e) au bureau du registraire des titres de biens-fonds pour les Territoires du Nord-Ouest;

(f) the regional office of the Department of Indian Affairs and Northern Development that is situated in the Northwest Territories; and

f) au bureau régional du ministère des Affaires indiennes et du Nord canadien situé dans les Territoires du Nord-Ouest;

(g) any other places that that Minister considers necessary.

g) en tout autre lieu où il l'estime nécessaire.

OTHER LAWS

CADRE LÉGISLATIF

Conflict between the Agreement or this Act and other legislation

5. (1) In the event of an inconsistency or conflict between the Agreement or this Act, or any regulations made under this Act, and the provisions of any other Act of Parliament, any ordinance of the Northwest Territories, any regulations made under any of those other Acts or ordinances, or any Tlicho law, then the Agreement or this Act, or regulations made under this Act, as the case may be, prevail to the extent of the inconsistency or conflict.

5. (1) Les dispositions de la présente loi, de ses règlements et de l'Accord l'emportent sur les dispositions incompatibles de toute autre loi fédérale, de toute ordonnance des Territoires du Nord-Ouest ainsi que de leurs règlements ou de toute loi tlicho.

Primauté de la présente loi et de l'Accord

Conflict between the Agreement and this Act	(2) In the event of an inconsistency or conflict between the Agreement and the provisions of this Act or any regulations made under this Act, the Agreement prevails to the extent of the inconsistency or conflict.	(2) Les dispositions de l'Accord l'emportent sur les dispositions incompatibles de la présente loi ou de ses règlements.	Primauté de l'Accord
	5		

APPROPRIATION

AFFECTATION DE FONDS

Payments out of C.R.F.	6. There shall be paid out of the Consolidated Revenue Fund any sums that are required to meet the monetary obligations of Canada under chapters 9, 18 and 24 to 26 of the Agreement.	6. Sont prélevées sur le Trésor les sommes nécessaires pour satisfaire aux obligations monétaires contractées par le Canada au titre des chapitres 9, 18 et 24 à 26 de l'Accord.	Paiement sur le Trésor
	10		5

TAXATION

FISCALITÉ

Tax Treatment Agreement given effect	7. (1) The Tax Treatment Agreement is approved, given effect and declared valid and has the force of law during the period that it is in effect.	7. (1) L'accord sur le traitement fiscal est approuvé, mis en vigueur et déclaré valide, et il a force de loi pour la période pendant laquelle il a effet.	Entérinement de l'accord sur le traitement fiscal
Not a treaty	(2) The Tax Treatment Agreement does not form part of the Agreement and is not a treaty or a land claims agreement within the meaning of section 35 of the <i>Constitution Act, 1982</i> .	(2) Il ne fait pas partie de l'Accord et ne constitue ni un traité ni un accord sur des revendications territoriales au sens de l'article 35 de la <i>Loi constitutionnelle de 1982</i> .	Précisions
	15		10

WEKEEZHII RENEWABLE RESOURCES BOARD

OFFICE DES RESSOURCES RENOVELABLES DU WEKEEZHII

Legal capacity	8. For the purposes of carrying out its objectives, the Wekeezhii Renewable Resources Board established by chapter 12 of the Agreement has the capacity, rights, powers and privileges of a natural person.	8. Pour accomplir sa mission, l'Office des ressources renouvelables du Wekeezhii, constitué par le chapitre 12 de l'Accord, a la capacité, les droits et les pouvoirs d'une personne physique.	Capacité
	20		20

GENERAL

DISPOSITIONS GÉNÉRALES

Judicial notice of Agreements	9. (1) Judicial notice shall be taken of the Agreement and the Tax Treatment Agreement.	9. (1) L'Accord et l'accord sur le traitement fiscal sont admis d'office.	Admission d'office des accords
Publication of Agreements	(2) The Agreement and the Tax Treatment Agreement shall be published by the Queen's Printer.	(2) L'imprimeur de la Reine publie le texte des accords.	Publication
Evidence	(3) A copy of the Agreement or the Tax Treatment Agreement published by the Queen's Printer is evidence of that Agreement, and a copy purporting to be published by the Queen's Printer is deemed to be so published, unless the contrary is shown.	(3) Tout exemplaire de l'un ou l'autre accord publié par l'imprimeur de la Reine fait preuve de l'accord en question. Tout exemplaire donné comme publié par l'imprimeur de la Reine est réputé avoir été ainsi publié, sauf preuve contraire.	Preuve
Judicial notice of Tlicho laws	10. (1) Judicial notice shall be taken of Tlicho laws.	10. (1) Les lois tlichos sont admises d'office.	Admission d'office des lois tlichos
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Evidence of Tlicho laws	(2) A copy of a Tlicho law purporting to be deposited in the public registry of Tlicho laws referred to in chapter 7 of the Agreement is evidence of that law and of its contents, unless the contrary is shown.	(2) Tout exemplaire d'une loi tlicho donné comme déposé au registre public des lois tlichos visé au chapitre 7 de l'Accord fait preuve de cette loi et de son contenu, sauf preuve contraire.	Preuve 5
Statutory Instruments Act	11. For greater certainty, Tlicho laws are not statutory instruments within the meaning of the <i>Statutory Instruments Act</i> .	11. Il est entendu que les lois tlichos ne sont pas des textes réglementaires au sens de la <i>Loi sur les textes réglementaires</i> .	Loi sur les textes réglementaires
Orders and regulations	12. The Governor in Council may make any orders and regulations that are necessary for the purpose of carrying out the Agreement or the Tax Treatment Agreement.	12. Le gouverneur en conseil peut prendre les décrets et les règlements nécessaires à l'application de l'Accord et de l'accord sur le traitement fiscal.	Décrets et règlements
Eligibility Committee	13. Despite having been established before the effective date of the Agreement, the Eligibility Committee referred to in chapter 3 of the Agreement is deemed to have been validly established under the Agreement and to have had, since it was established, the jurisdiction, powers and authority provided by the Agreement.	13. Le comité d'admissibilité visé au chapitre 3 de l'Accord est réputé avoir été constitué validement même s'il a été constitué avant l'entrée en vigueur de l'Accord et avoir disposé, depuis sa constitution, des pouvoirs qui lui sont conférés par l'Accord.	Validité de la constitution et des actes du comité d'admissibilité
Notice of issues arising	14. (1) If, in any judicial or administrative proceeding, an issue arises in respect of (a) the interpretation, validity or applicability of the Agreement, or (b) the validity or applicability of this Act, the ordinance of the Northwest Territories entitled the <i>Tlicho Land Claims and Self-Government Agreement Act</i> or any Tlicho law, the issue shall not be decided until the party raising the issue has served notice on the Attorney General of Canada, the Attorney General of the Northwest Territories and the Tlicho Government.	14. (1) Il ne peut être statué sur aucune question soulevée dans une procédure judiciaire ou administrative quant à l'interprétation, la validité ou l'applicabilité de l'Accord ou quant à la validité ou l'applicabilité de la présente loi, de l'ordonnance intitulée <i>Loi sur l'accord sur les revendications territoriales et l'autonomie gouvernementale du peuple tlicho</i> ou d'une loi tlicho à moins qu'un préavis n'en ait été donné par la partie qui la soulève aux procureurs généraux du Canada et des Territoires du Nord-Ouest et au gouvernement tlicho.	Préavis 30
Content of notice	(2) The notice must (a) describe the judicial or administrative proceeding in which the issue arises; (b) state whether the issue arises in respect of the matters referred to in paragraph (1)(a) or (b) or both; (c) state the day on which the issue is to be argued; (d) give particulars necessary to show the point to be argued; and	(2) Le préavis précise la nature de la procédure, l'objet de la question en cause, la date prévue pour le débat et assez de détails pour que soit révélée l'argumentation. Il est signifié au moins quatorze jours avant la date prévue pour le débat ou dans le délai plus court fixé par la juridiction saisie.	Teneur et délai du préavis

(e) be served at least 14 days before the day of argument, unless the court or tribunal authorizes a shorter period.

Participation in proceedings

(3) In any judicial or administrative proceeding to which subsection (1) applies, the Attorney General of Canada, the Attorney General of the Northwest Territories and the Tlicho Government may appear and participate in the proceeding as parties with the same rights as any other party.

(3) Les procureurs généraux du Canada et des Territoires du Nord-Ouest et le gouvernement tlicho peuvent comparaître dans ces procédures, y intervenir et exercer les mêmes droits que toute autre partie.

Intervention

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Saving

(4) For greater certainty, subsections (2) and (3) do not require that an oral hearing be held if one is not otherwise required.

(4) Il est entendu que les paragraphes (2) et (3) n'ont pas pour effet d'imposer la tenue d'une audience si elle n'est pas par ailleurs nécessaire.

Précision

1998, c. 25

AMENDMENTS TO THE MACKENZIE VALLEY RESOURCE MANAGEMENT ACT

MODIFICATION DE LA LOI SUR LA GESTION DES RESSOURCES DE LA VALLÉE DU MACKENZIE

1998, ch. 25

15. (1) The definitions "first nation", "land claim agreement", "local government", "settlement area" and "settlement lands" in section 2 of the *Mackenzie Valley Resource Management Act* are replaced by the following:

15. (1) Les définitions de « accord de revendication », « administration locale », « première nation », « région désignée » et « terres désignées », à l'article 2 de la *Loi sur la gestion des ressources de la vallée du Mackenzie*, sont respectivement remplacées par ce qui suit :

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"first nation"
« première nation »

"first nation" means the Gwich'in First Nation, the Sahtu First Nation or bodies representing other Dene or Metis of the North Slave, South Slave or Deh Cho region of the Mackenzie Valley, but does not include the Tlicho First Nation or the Tlicho Government.

« accord de revendication » L'accord gwich'in, l'accord du Sahtu ou l'accord tlicho.

« accord de revendication »
"land claim agreement"

"land claim agreement"
« accord de revendication »

"land claim agreement" means the Gwich'in Agreement, the Sahtu Agreement or the Tlicho Agreement.

« administration locale » Toute administration établie comme telle sous le régime des règles de droit des Territoires du Nord-Ouest, notamment les cités, villes, villages, hameaux, collectivités établies avec charte, localités ou administrations d'une collectivité tlicho, constitués en personne morale ou non. Y est assimilé le gouvernement territorial dans les cas où il exerce, sous le régime de ces règles de droit, les attributions d'une telle administration.

« administration locale »
"local government"

"local government"
« administration locale »

"local government" means any local government established under the laws of the Northwest Territories, including a city, town, village, hamlet, charter community, settlement or government of a Tlicho community, whether incorporated or not, and includes the territorial government acting in the place of a local government pursuant to those laws.

« première nation » La première nation des Gwich'in, celle du Sahtu ou tout organisme représentant d'autres Dénés ou Métis des régions de North Slave, South Slave ou Deh Cho de la vallée du Mackenzie, exception faite de la première nation tlicho et de son gouvernement.

« première nation »
"first nation"

"settlement area"
« région désignée »

"settlement area" means the area described in appendix A to the Gwich'in Agreement or in appendix A to the Sahtu Agreement.

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“settlement
lands”
« terres
désignées »

“settlement lands” means lands referred to as settlement lands in the Gwich’in Agreement or the Sahtu Agreement.

« région désignée » La région décrite à l’annexe A de l’accord gwich’in ou de l’accord du Sahtu.

« région
désignée »
“settlement
area”

« terres désignées » Les terres désignées comme « terres visées par le règlement » par l’accord gwich’in ou l’accord du Sahtu.

« terres
désignées »
“settlement
lands”

(2) Section 2 of the Act is amended by adding the following in alphabetical order:

(2) L’article 2 de la même loi est modifié 5 par adjonction, selon l’ordre alphabétique, de ce qui suit :

“Monfwi Gogha
De Niitlee”
« Monfwi gogha
de niitlee »

“Monfwi Gogha De Niitlee” means the area described in part I of the appendix to chapter 1 of the Tlicho Agreement.

« accord tlicho » L’accord sur les revendications territoriales et l’autonomie gouvernementale 10 conclu entre le peuple tlicho, le gouvernement des Territoires du Nord-Ouest et le gouvernement du Canada, signé le 25 août 2003 et approuvé, mis en vigueur et déclaré valide par la *Loi sur les revendications territoriales et 15 l’autonomie gouvernementale du peuple tlicho*, ainsi que les modifications qui peuvent lui être apportées conformément à ses dispositions.

« accord tlicho »
“Tlicho
Agreement”

“territorial law”
« règle de droit
territoriale »

“territorial law” means an ordinance of the Northwest Territories and any regulations made 10 under such an ordinance.

« accord tlicho » L’accord sur les revendications territoriales et l’autonomie gouvernementale 10 conclu entre le peuple tlicho, le gouvernement des Territoires du Nord-Ouest et le gouvernement du Canada, signé le 25 août 2003 et approuvé, mis en vigueur et déclaré valide par la *Loi sur les revendications territoriales et 15 l’autonomie gouvernementale du peuple tlicho*, ainsi que les modifications qui peuvent lui être apportées conformément à ses dispositions.

“Tlicho
Agreement”
« accord tlicho »

“Tlicho Agreement” means the Land Claims and Self-Government Agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, 15 signed on August 25, 2003 and approved, given effect and declared valid by the *Tlicho Land Claims and Self-Government Act*, as that Agreement is amended from time to time in accordance with its provisions.

« citoyen tlicho » Personne dont le nom figure au registre au sens du chapitre 1 de l’accord 20 tlicho.

« citoyen tlicho »
“Tlicho citizen”

“Tlicho citizen”
« citoyen tlicho »

“Tlicho citizen” means a person whose name is on the Register as defined in chapter 1 of the Tlicho Agreement.

« collectivité tlicho » Collectivité à l’égard de laquelle une administration communautaire est constituée conformément au chapitre 8 de l’accord tlicho. 25

« collectivité
tlicho »
“Tlicho
community”

“Tlicho
community”
« collectivité
tlicho »

“Tlicho community” means a community for which a community government is established 25 in accordance with chapter 8 of the Tlicho Agreement.

« gouvernement tlicho » Le gouvernement de la première nation tlicho institué conformément au chapitre 7 de l’accord tlicho.

« gouvernement
tlicho »
“Tlicho
Government”

“Tlicho First
Nation”
« première
nation tlicho »

“Tlicho First Nation” means the aboriginal people of Canada to whom section 35 of the *Constitution Act, 1982* applies, consisting of all 30 Tlicho citizens.

« Monfwi gogha de niitlee » Le territoire décrit à la partie 1 de l’annexe du chapitre 1 de l’accord tlicho.

« Monfwi gogha
de niitlee »
“Monfwi Gogha
De Niitlee”

“Tlicho
Government”
« gouvernement
tlicho »

“Tlicho Government” means the government of the Tlicho First Nation established in accordance with chapter 7 of the Tlicho Agreement.

« première nation tlicho » Le peuple autochtone du Canada composé de tous les citoyens tlichos 35 et visé par l’article 35 de la *Loi constitutionnelle de 1982*.

« première
nation tlicho »
“Tlicho First
Nation”

“Tlicho lands”
« terres tlichos »

“Tlicho lands” means Tlicho lands as defined in 35 chapter 1 of the Tlicho Agreement.

« règle de droit territoriale » Ordonnance des Territoires du Nord-Ouest ou règlement pris en vertu d’une telle ordonnance. 40

« règle de droit
territoriale »
“territorial law”

“Tlicho law”
« loi tlicho »

“Tlicho law” means a law enacted by the Tlicho Government.

« terres tlichos » S’entend au sens du chapitre 1 de l’accord tlicho.

« terres tlichos »
“Tlicho lands”

“Wekeezhii”
« Wekeezhii »

“Wekeezhii” means the area described in part 2 of the appendix to chapter 1 of the Tlicho Agreement.

« Wekeezhii » La zone décrite à la partie 2 de l’annexe du chapitre 1 de l’accord tlicho.

« Wekeezhii »
“Wekeezhii”

16. Section 4 of the Act is amended by adding the following after subsection (3):

16. L’article 4 de la même loi est modifié 5 par adjonction, après le paragraphe (3), de ce qui suit :

5

Delegation by
Tlicho
Government

(4) The Tlicho Government may, in conformity with the Tlicho Agreement, delegate any of its functions under this Act to

(4) Le gouvernement tlicho peut, en conformité avec l’accord tlicho, déléguer aux organismes ci-après les attributions qui lui sont conférées sous le régime de la présente loi :

Délégation faite
par le
gouvernement
tlicho

(a) a body or office established by a Tlicho law;

10 a) tout organisme constitué par une loi 10 tlicho;

(b) any department, agency or office of the federal or the territorial government;

b) tout ministère ou organisme administratif fédéral ou territorial;

(c) a board or other public body established by or under an Act of Parliament or by a territorial law; or

15 c) tout organisme public constitué sous le régime d’une loi fédérale ou d’une règle de 15 droit territoriale;

(d) a local government.

d) toute administration locale.

17. The Act is amended by adding the following after section 5:

17. La même loi est modifiée par adjonction, après l’article 5, de ce qui suit :

Agreement
between Tlicho
Government and
another
aboriginal
people

5.1 The rights of the Tlicho First Nation, Tlicho citizens and the Tlicho Government 20 under this Act are subject to the provisions of any agreement entered into between the Tlicho Government and an aboriginal people, other than the Tlicho First Nation, under 2.7.3 of chapter 2 of the Tlicho Agreement.

5.1 Les droits de la première nation tlicho, 20 des citoyens tlichos et du gouvernement tlicho prévus par la présente loi sont assujettis à tout accord conclu entre le gouvernement tlicho et un peuple autochtone, autre que la première nation tlicho, en vertu de l’article 2.7.3 de 25 l’accord tlicho.

Accord entre le
gouvernement
tlicho et un
peuple
autochtone

18. Subsection 8(1) of the Act is replaced by the following:

18. Le paragraphe 8(1) de la même loi est remplacé par ce qui suit :

Consultation

8. (1) The federal Minister shall consult the first nations and the Tlicho Government with respect to the amendment of this Act.

8. (1) Le ministre fédéral est tenu de 30 consulter les premières nations et le gouverne- ment tlicho au sujet de toute modification de la présente loi.

Consultation

19. (1) Subsection 11(1) of the Act is replaced by the following:

19. (1) Le paragraphe 11(1) de la même loi est remplacé par ce qui suit :

Appointment of
members by
federal Minister

11. (1) The members of a board — other than the chairperson, any members appointed pursuant to a determination under section 15 35 and any members appointed by the Tlicho Government under subsection 57.1(2) or in accordance with an agreement referred to in that subsection — shall be appointed by the federal Minister in accordance with Parts 2 to 5.

11. (1) Exception faite du président, des 35 membres nommés suivant la manière déterminée en application de l’article 15 et des membres nommés par le gouvernement tlicho en vertu du paragraphe 57.1(2) ou conformément à un accord visé à ce paragraphe, le 40 ministre fédéral nomme les membres de l’office en conformité avec les parties 2 à 5.

Nomination des
membres

(2) The portion of subsection 11(2) of the Act before paragraph (a) is replaced by the following:

(2) Le paragraphe 11(2) de la même loi est remplacé par ce qui suit :

Alternate members

(2) Except in the case of the Wekeezhii Land and Water Board, the federal Minister may appoint

(2) Il peut aussi nommer, soit parmi les 5 candidats qui lui sont proposés à cet effet par les premières nations, soit après consultation de 5 celles-ci, des suppléants chargés d'exercer, en cas d'absence ou d'incapacité, les fonctions des membres nommés sur telle proposition ou après telle consultation, selon le cas. Quant aux suppléants des autres membres, ils sont nommés 10 par le ministre fédéral avec l'accord du ministre territorial. Le présent paragraphe ne s'applique pas à l'Office des terres et des eaux du Wekeezhii.

Suppléants

20. Subsections 12(1) and (2) of the Act are replaced by the following:

20. Les paragraphes 12(1) et (2) de la 15 même loi sont remplacés par ce qui suit :

Chairperson

12. (1) Except in the case of the Wekeezhii Land and Water Board, the chairperson of a 10 board shall be appointed by the federal Minister from persons nominated by a majority of the members.

12. (1) Le ministre fédéral nomme le prési- 10 dent de l'office, exception faite de l'Office des terres et des eaux du Wekeezhii, parmi les candidats proposés par la majorité des membres 20 de celui-ci.

Nomination du président de l'office

Appointment by federal Minister

(2) Except in the case of the Wekeezhii Land and Water Board, if a majority of the members 15 does not nominate a person acceptable to the federal Minister within a reasonable time, the Minister may appoint any person as chairperson of the board.

(2) À défaut, dans un délai suffisant, de 15 proposition qu'il juge acceptable, le ministre fédéral peut d'autorité choisir le président de l'office, exception faite de l'Office des terres et 25 des eaux du Wekeezhii.

Choix du ministre fédéral

Wekeezhii Land and Water Board

(2.1) The chairperson of the Wekeezhii Land 20 and Water Board shall be appointed jointly by the federal Minister and the Tlicho Government on the nomination of the members of the Board other than the chairperson.

(2.1) Le ministre fédéral et le gouvernement 20 tlicho nomment conjointement le président de l'Office des terres et des eaux du Wekeezhii sur la proposition des autres membres de l'Office. 30

Office des terres et des eaux du Wekeezhii

21. Subsection 14(3) of the Act is replaced 25 by the following:

21. Le paragraphe 14(3) de la même loi est 25 remplacé par ce qui suit :

Removal by federal Minister after consultation

(3) A member who has been appointed by the federal Minister may not be removed from office except after consultation by the federal 30 Minister with the board and, where applicable, with the territorial Minister, the first nation or the Tlicho Government that nominated the member.

(3) La révocation d'un membre nommé par 30 le ministre fédéral est subordonnée à la consultation, par celui-ci, de l'office et de 35 quiconque a proposé la candidature du membre en question.

Révocation par le ministre fédéral après consultation

Removal by Tlicho Government after consultation

(4) A member of the Wekeezhii Land and 35 Water Board who has been appointed by the Tlicho Government may not be removed from

(4) La révocation d'un membre de l'Office 35 des terres et des eaux du Wekeezhii nommé par le gouvernement tlicho est subordonnée à la 40 consultation, par celui-ci, de l'Office et du ministre fédéral.

Révocation par le gouvernement tlicho après consultation

office except after consultation by the Tlicho Government with the Board and the federal Minister.

22. Section 15 of the Act is replaced by the following:

Implementation of right of representation of other aboriginal peoples

15. Despite any provision of this Act respecting members of a board, if an aboriginal people has a right under a land claim agreement to representation on that board in relation to a decision of the board that might affect an area used by that aboriginal people that is outside the board's area of jurisdiction, the board shall, in accordance with that land claim agreement, determine how to implement that right.

23. Subsection 16(2) of the Act is replaced by the following:

Status or entitlements under agreement

(2) A member of a board is not placed in a material conflict of interest merely because of any status or entitlement conferred on the member under the Gwich'in Agreement, the Sahtu Agreement, the Tlicho Agreement or any other agreement between a first nation and Her Majesty in right of Canada for the settlement of a claim to lands.

24. Subsection 17(1) of the Act is replaced by the following:

Remuneration

17. (1) Members of a board, other than any members appointed pursuant to a determination under section 15, shall be paid such fees or other remuneration as the federal Minister may fix.

25. Section 22 of the Act is replaced by the following:

Government information

22. Subject to any other federal or territorial law and to any Tlicho law, a board may obtain from any department or agency of the federal or territorial government or the Tlicho Government any information in the possession of the department or agency or the Tlicho Government that the board requires for the performance of its functions.

26. Section 24 of the Act is replaced by the following:

22. L'article 15 de la même loi est remplacé par ce qui suit :

15. Malgré toute autre disposition de la présente loi concernant ses membres, l'office, pour la prise de toute décision qui peut toucher une région qui ne relève pas de sa compétence, détermine la manière de mettre en œuvre, conformément à l'accord de revendication applicable, tout droit de représentation du peuple autochtone qui utilise les ressources de cette région conféré par cet accord.

23. Le paragraphe 16(2) de la même loi est remplacé par ce qui suit :

(2) N'ont pas pour effet de créer, à eux seuls, une situation de conflit d'intérêts sérieux le statut ou les droits conférés à une personne aux termes soit de l'accord gwich'in, de l'accord du Sahtu ou de l'accord tlicho, soit de tout autre accord relatif aux revendications territoriales conclu entre une première nation et Sa Majesté du chef du Canada.

24. Le paragraphe 17(1) de la même loi est remplacé par ce qui suit :

17. (1) Les membres de l'office, exception faite des membres nommés suivant la manière déterminée en application de l'article 15, reçoivent la rémunération et les autres indemnités fixées par le ministre fédéral.

25. L'article 22 de la même loi est remplacé par ce qui suit :

22. L'office peut, sous réserve de toute autre règle de droit fédérale ou territoriale et de toute loi tlicho, obtenir des ministères et organismes des gouvernements fédéral et territorial ou du gouvernement tlicho les renseignements qui sont en leur possession et dont il a besoin pour l'exercice de ses attributions.

26. L'article 24 de la même loi est remplacé par ce qui suit :

Mise en œuvre du droit de représentation d'un autre peuple autochtone

Statut et droits conférés par accord

Rémunération

Renseignements

Hearings

24. In addition to hearings that a board is authorized or required to hold under this Act, a board may conduct any hearings that it considers to be desirable for the purpose of carrying out any of its functions.

5

24. L'office peut tenir, outre les enquêtes dont la tenue est prévue par la présente loi, celles qu'il estime utiles à l'exercice de ses attributions.

Enquêtes

Coordination

24.1 A board shall coordinate its activities, including hearings, with the activities of

- (a) other boards;
- (b) departments and agencies of the federal government that have responsibility for the 10 administration, management and control of parks to which the *Canada National Parks Act* applies or lands acquired pursuant to the *Historic Sites and Monuments Act*;
- (c) committees established under any of the 15 land claim agreements for the management of parks to which the *Canada National Parks Act* applies;
- (d) committees, or similar bodies, established for the management of protected areas as 20 defined in any of the land claim agreements;
- (e) renewable resources boards established under any of the land claim agreements; and
- (f) land use planning bodies established for Wekeezhii or any part of Wekeezhii. 25

24.1 L'office veille à coordonner ses activités, y compris ses enquêtes, avec celles des organismes suivants :

- a) les autres offices;
- b) les ministères et organismes fédéraux responsables de la gestion des parcs régis 10 par la *Loi sur les parcs nationaux du Canada* ou des terres acquises sous le régime de la *Loi sur les lieux et monuments historiques*;
- c) les comités de gestion de parcs régis par la *Loi sur les parcs nationaux du Canada* 15 constitués en vertu d'un accord de revendication;
- d) les comités de gestion de zones protégées au sens d'un accord de revendication ou les organismes semblables; 20
- e) les offices des ressources renouvelables constitués en vertu d'un accord de revendication;
- f) les organismes d'aménagement territorial constitués pour le Wekeezhii ou une partie de 25 celui-ci.

5 Coordination des activités de l'office

27. (1) Subsection 31(1) of the Act is replaced by the following:

31. (1) Sections 3, 5 and 11 of the *Statutory Instruments Act* do not apply in respect of rules under section 30, a land use plan or amendment 30 thereto under Part 2, rules under subsection 49(2), guidelines or policies under section 65, policy directions under subsection 83(1) or (2), directions under section 106, policy directions under section 109 or 109.1 or guidelines under 35 section 120.

Statutory Instruments Act

27. (1) Le paragraphe 31(1) de la même loi est remplacé par ce qui suit :

31. (1) Les articles 3, 5 et 11 de la *Loi sur les textes réglementaires* ne s'appliquent pas 30 aux règles établies en vertu de l'article 30, au plan d'aménagement visé à la partie 2 et à ses modifications, aux règles établies au titre du paragraphe 49(2), aux principes directeurs et aux directives établis en vertu de l'article 65, 35 aux instructions données en vertu des paragraphes 83(1) ou (2), aux lignes directrices visées à l'article 106, aux instructions données en vertu des articles 109 ou 109.1 et aux directives établies en vertu de l'article 120. 40

Loi sur les textes réglementaires

(2) Section 31 of the Act is amended by adding the following after subsection (2):

(2) L'article 31 de la même loi est modifié par adjonction, après le paragraphe (2), de ce qui suit :

Statutory
Instruments Act

(3) For greater certainty, permits issued by a board under Part 3 or 4 either before or after the coming into force of this subsection are not statutory instruments within the meaning of the *Statutory Instruments Act*.

(3) Il est entendu que les permis d'utilisation des terres délivrés par un office sous le régime des parties 3 ou 4, avant ou après l'entrée en vigueur du présent paragraphe, ne sont pas des textes réglementaires au sens de la *Loi sur les textes réglementaires*.

Permis
d'utilisation des
terres

2002, c. 8,
par. 182(1)(x)

28. Section 32 of the Act and the heading before it are replaced by the following:

28. L'article 32 de la même loi et l'intertitre le précédant sont remplacés par ce qui suit :

2002, ch. 8,
al. 182(1x)

JURISDICTION OF COURTS

COMPÉTENCE

Concurrent
jurisdiction

32. (1) Notwithstanding the exclusive jurisdiction referred to in section 18 of the *Federal Courts Act*, the Attorney General of Canada or anyone directly affected by the matter in respect of which relief is sought may make an application to the Supreme Court of the Northwest Territories for any relief against a board by way of an injunction or declaration or by way of an order in the nature of *certiorari*, *mandamus*, *quo warranto* or prohibition.

32. (1) Indépendamment de la compétence exclusive accordée par l'article 18 de la *Loi sur les Cours fédérales*, le procureur général du Canada ou quiconque est directement touché par l'affaire peut présenter une demande à la Cour suprême des Territoires du Nord-Ouest afin d'obtenir, contre l'office, toute réparation par voie d'injonction, de jugement déclaratoire, de bref — *certiorari*, *mandamus*, *quo warranto* ou prohibition — ou d'ordonnance de même nature.

Compétence
concurrente

Exclusive
original
jurisdiction

(2) Despite subsection (1) and section 18 of the *Federal Courts Act*, the Supreme Court of the Northwest Territories has exclusive original jurisdiction to hear and determine any action or proceeding, whether or not by way of an application of a type referred to in subsection (1), concerning the jurisdiction of the Mackenzie Valley Land and Water Board or the Mackenzie Valley Environmental Impact Review Board.

(2) Malgré le paragraphe (1) et l'article 18 de la *Loi sur les Cours fédérales*, la Cour suprême des Territoires du Nord-Ouest a compétence exclusive en première instance pour connaître de toute question relative à la compétence de l'Office des terres et des eaux de la vallée du Mackenzie ou de l'Office d'examen des répercussions environnementales de la vallée du Mackenzie, qu'elle soit soulevée ou non par une demande du même type que celle visée au paragraphe (1).

Compétence
exclusive

29. (1) The definition "board" in section 51 of the Act is replaced by the following:

29. (1) La définition de « office », à l'article 51 de la même loi, est remplacée par ce qui suit :

"board"
« office »

"board" means the Gwich'in Land and Water Board, the Sahtu Land and Water Board or the Wekeezhii Land and Water Board established by sections 54, 56 and 57.1, respectively.

« office » L'Office gwich'in des terres et des eaux, l'Office des terres et des eaux du Sahtu ou l'Office des terres et des eaux du Wekeezhii constitués respectivement par les articles 54, 56 et 57.1.

« office »
"board"

(2) Section 51 of the Act is amended by adding the following in alphabetical order:

(2) L'article 51 de la même loi est modifié par adjonction, selon l'ordre alphabétique, de ce qui suit :

"management
area"
« zone de
gestion »

"management area" means an area in respect of which a board has been established, namely,

« zone de gestion » La zone à l'égard de laquelle l'office a été constitué, à savoir la région décrite à l'annexe A de l'accord gwich'in dans le cas de

« zone de
gestion »
"management
area"

(a) in the case of the Gwich'in Land and Water Board, the area described in appendix A to the Gwich'in Agreement;

l'Office gwich'in des terres et des eaux ou décrite à l'annexe A de l'accord du Sahtu dans le cas de l'Office des terres et des eaux du Sahtu et le Wekeezhii dans le cas de l'Office des terres et des eaux du Wekeezhii.

(b) in the case of the Sahtu Land and Water Board, the area described in appendix A to the Sahtu Agreement; and

(c) in the case of the Wekeezhii Land and Water Board, Wekeezhii.

2000, c.32, s.53

30. (1) Subsections 52(1) and (2) of the Act are replaced by the following:

30. (1) Les paragraphes 52(1) et (2) de la même loi sont remplacés par ce qui suit :

2000, ch. 32, art. 53

National parks and historic sites

52. (1) This Part, except sections 78, 79, 79.2 and 79.3, does not apply in respect of the use of land or waters or the deposit of waste within a park to which the *Canada National Parks Act* applies or within lands acquired pursuant to the *Historic Sites and Monuments Act*.

52. (1) Sont soustraits à l'application de la présente partie — exception faite des articles 78, 79, 79.2 et 79.3 — l'utilisation des terres ou des eaux et le dépôt de déchets soit dans les parcs régis par la *Loi sur les parcs nationaux du Canada*, soit en ce qui touche les terres acquises sous le régime de la *Loi sur les lieux et monuments historiques* — ces parcs et terres étant ci-après appelés « région exemptée ».

Parcs nationaux et lieux historiques

Consultation with board

(2) Notwithstanding subsection (1), an authority responsible for authorizing uses of land or waters or deposits of waste in a portion of a management area excluded by that subsection from the application of this Part shall consult the board established for that management area before authorizing any such use or deposit.

(2) Cependant, l'autorité chargée, dans une région exemptée située dans une zone de gestion, de délivrer les autorisations relatives à de telles activités est tenue de consulter, avant leur délivrance, l'office constitué pour cette zone de gestion.

Consultation de l'office

(2) Subsection 52(3) of the English version of the Act is replaced by the following:

(2) Le paragraphe 52(3) de la version anglaise de la même loi est remplacé par ce qui suit :

Consultation with authority

(3) A board shall consult a responsible authority referred to in subsection (2) before issuing a licence, permit or authorization for a use of land or waters or deposit of waste that may have an effect in the portion of the management area in which the authority is responsible.

(3) A board shall consult a responsible authority referred to in subsection (2) before issuing a licence, permit or authorization for a use of land or waters or deposit of waste that may have an effect in the portion of the management area in which the authority is responsible.

Consultation with authority

31. The Act is amended by adding the following after section 57:

31. La même loi est modifiée par adjonction, après l'article 57, de ce qui suit :

WEKEEZHII LAND AND WATER BOARD

OFFICE DES TERRES ET DES EAUX DU WEKEEZHII

Board established

57.1 (1) There is hereby established, in respect of Wekeezhii, a board to be known as the Wekeezhii Land and Water Board.

57.1 (1) Est constitué, pour le Wekeezhii, l'Office des terres et des eaux du Wekeezhii.

Constitution

Membership	<p>(2) The Board shall consist of five members including, apart from the chairperson, two members who, subject to any agreement between the Tlicho Government and an aboriginal people of Canada to whom section 35 of the <i>Constitution Act, 1982</i> applies, other than the Tlicho First Nation, are appointed by the Tlicho Government and one member who is appointed on the nomination of the territorial Minister.</p>	<p>(2) L'Office est composé de cinq membres, dont le président, deux membres qui, sous réserve de tout accord conclu par le gouvernement tlicho avec un peuple autochtone du Canada visé par l'article 35 de la <i>Loi constitutionnelle de 1982</i> autre que la première nation tlicho, sont nommés par ce gouvernement et un membre qui est nommé sur la proposition du ministre territorial.</p>	Membres
Consultation	<p>(3) The federal Minister and the Tlicho Government shall consult each other before making their appointments.</p>	<p>(3) Le ministre fédéral et le gouvernement tlicho se consultent avant d'effectuer leurs nominations respectives.</p>	Consultation
Quorum	<p>(4) A quorum of the Board consists of three members, or any larger number that is determined by the Board, including one of the members appointed by the Tlicho Government or in accordance with any agreement referred to in subsection (2) and one of the members appointed by the federal Minister, other than the chairperson.</p>	<p>(4) Le quorum est de trois membres ou du nombre supérieur fixé par l'Office, dont un membre nommé par le gouvernement tlicho ou conformément à tout accord visé au paragraphe (2) et un membre — autre que le président — nommé par le ministre fédéral.</p>	Quorum
Main office	<p>57.2 The main office of the Board shall be located in Wekeezhii.</p> <p>32. Section 58 of the Act is replaced by the following:</p>	<p>57.2 Le siège de l'Office est fixé au Wekeezhii.</p> <p>32. L'article 58 de la même loi est remplacé par ce qui suit :</p>	Siège
Objectives— Gwich'in and Sahtu Land and Water Boards	<p>58. The Gwich'in Land and Water Board and the Sahtu Land and Water Board shall regulate the use of land and waters and the deposit of waste so as to provide for the conservation, development and utilization of land and water resources in a manner that will provide the optimum benefit for residents of their respective management areas and of the Mackenzie Valley and for all Canadians.</p>	<p>58. L'Office gwich'in des terres et des eaux et l'Office des terres et des eaux du Sahtu ont pour mission de régir l'utilisation des terres et des eaux et le dépôt de déchets de manière à assurer la préservation, la mise en valeur et l'exploitation de ces ressources de la façon la plus avantageuse possible pour les habitants de leur zone de gestion respective, ceux de la vallée du Mackenzie et tous les Canadiens.</p>	Mission de l'office gwich'in et de l'office du Sahtu
Objectives— Wekeezhii Land and Water Board	<p>58.1 The Wekeezhii Land and Water Board shall regulate the use of land and waters and the deposit of waste so as to provide for the conservation, development and utilization of land and water resources in a manner that will provide the optimum benefit generally for all Canadians and in particular for residents of its management area.</p>	<p>58.1 L'Office des terres et des eaux du Wekeezhii a pour mission de régir l'utilisation des terres et des eaux et le dépôt de déchets de manière à assurer la préservation, la mise en valeur et l'exploitation de ces ressources de la façon la plus avantageuse possible pour tous les Canadiens et, en particulier, pour les habitants de sa zone de gestion.</p>	Mission de l'office du Wekeezhii
Jurisdiction— land	<p>33. Subsection 59(1) of the Act is replaced by the following:</p> <p>59. (1) A board has jurisdiction in respect of all uses of land in its management area for which a permit is required under this Part and</p>	<p>33. Le paragraphe 59(1) de la même loi est remplacé par ce qui suit :</p> <p>59. (1) L'office a compétence, dans sa zone de gestion, en ce qui touche toute forme d'utilisation des terres pour laquelle un permis</p>	Compétence sur les terres

may, in accordance with the regulations, issue, amend, renew, suspend and cancel permits and authorizations for the use of land, and approve the assignment of permits.

34. (1) Subsection 60(1) of the Act is replaced by the following:

60. (1) A board has jurisdiction in respect of all uses of waters and deposits of waste in its management area for which a licence is required under the *Northwest Territories Waters Act* and may

(a) issue, amend, renew and cancel licences and approve the assignment of licences, in accordance with that Act, and

(b) exercise any other power of the Northwest Territories Water Board under that Act,

and, for those purposes, references in that Act to that Board shall be read as references to the board.

(2) Subsection 60(3) of the Act is replaced by the following:

(3) In respect of a use of waters or deposit of waste in a management area that has an effect in a region of the Northwest Territories or Nunavut outside the management area, subsections 14(4) and (5) of the *Northwest Territories Waters Act* apply in relation to the protection of the rights of licensees and other persons referred to in those subsections who are in such a region.

(3) Subsections 60(4) and (5) of the Act are replaced by the following:

(4) Notwithstanding subsection (1), the following provisions of the *Northwest Territories Waters Act* do not apply in respect of a management area, namely, sections 10 to 13, subsection 14(6), sections 20 and 22, paragraphs 23(1)(b) and (2)(b), section 24, section 26 except in relation to type A licences under that Act, sections 27 and 28 and subsection 37(2).

est nécessaire sous le régime de la présente partie. Il peut, à cet égard et en conformité avec les règlements, délivrer, modifier, renouveler, suspendre ou annuler tout permis d'utilisation des terres ou toute autorisation de même nature, ou autoriser la cession d'un tel permis.

34. (1) Le passage du paragraphe 60(1) de la même loi précédant l'alinéa a) est remplacé par ce qui suit:

60. (1) L'office a compétence, dans sa zone de gestion, en ce qui touche toute forme d'utilisation des eaux ou de dépôt de déchets pour laquelle un permis est nécessaire aux termes de la *Loi sur les eaux des Territoires du Nord-Ouest* et peut:

(2) Le paragraphe 60(3) de la même loi est remplacé par ce qui suit:

(3) Dans les cas d'utilisation des eaux ou de dépôt de déchets, dans une zone de gestion, ayant des répercussions ailleurs dans les Territoires du Nord-Ouest ou au Nunavut, les paragraphes 14(4) et (5) de la *Loi sur les eaux des Territoires du Nord-Ouest* s'appliquent en ce qui touche la protection qui y est accordée aux droits de titulaires de permis ou d'autres personnes dans la région où se font sentir ces répercussions.

(3) Les paragraphes 60(4) et (5) de la même loi sont remplacés par ce qui suit:

(4) Malgré le paragraphe (1), les dispositions ci-après de la *Loi sur les eaux des Territoires du Nord-Ouest* ne s'appliquent pas aux zones de gestion: les articles 10 à 13, le paragraphe 14(6), les articles 20 et 22, les paragraphes 23(1) et (2) en ce qui concerne l'obligation de publication dans la *Gazette du Canada*, les articles 24, 26 — sauf en ce qui concerne les permis de type A au sens de cette loi —, 27 et 28 ainsi que le paragraphe 37(2).

Jurisdiction—
water and waste

1998, c. 15,
par. 48(b)

Effect outside
management
area

*Northwest
Territories
Waters Act*

Compétence sur
les eaux et le
dépôt de déchets

1998, ch. 15,
al. 48b)

Activités à
l'extérieur de la
zone de gestion

*Loi sur les eaux
des Territoires
du Nord-Ouest*

Northwest
Territories
Waters Act

(5) Notwithstanding subsection (1), section 31 of the *Northwest Territories Waters Act* does not apply in respect of first nation lands or Tlicho lands.

35. Section 61 of the Act is replaced by the following:

60.1 In exercising its powers, a board shall consider

(a) the importance of conservation to the well-being and way of life of the aboriginal peoples of Canada to whom section 35 of the *Constitution Act, 1982* applies and who use an area of the Mackenzie Valley; and

(b) any traditional knowledge and scientific information that is made available to it.

Considerations

Conformity with
land use plan—
Gwich'in and
Sahtu Boards

61. (1) The Gwich'in Land and Water Board and the Sahtu Land and Water Board may not issue, amend or renew a licence, permit or authorization except in accordance with an applicable land use plan under Part 2.

Conformity with
land use plan—
Wekeezhii Board

(2) The Wekeezhii Land and Water Board may not issue, amend or renew a licence, permit or authorization except in accordance with any land use plan, established under a federal, territorial or Tlicho law, that is applicable to any part of its management area.

Conformity with
Tlicho laws—
Wekeezhii Board

61.1 The Wekeezhii Land and Water Board may not exercise its discretionary powers relating to the use of Tlicho lands except in accordance with any Tlicho laws enacted under 7.4.2 of chapter 7 of the Tlicho Agreement.

36. Subsection 63(2) of the Act is replaced by the following:

(2) A board shall notify affected communities and first nations of an application made to the board for a licence, permit or authorization and allow a reasonable period of time for them to make representations to the board with respect to the application.

Notice of
applications

(5) De même, malgré le paragraphe (1), l'article 31 de la *Loi sur les eaux des Territoires du Nord-Ouest* ne s'applique pas en ce qui touche les terres d'une première nation ou les terres tlichos.

35. L'article 61 de la même loi est remplacé par ce qui suit :

60.1 Dans l'exercice de ses pouvoirs, l'office tient compte, d'une part, de l'importance de préserver les ressources pour le bien-être et le mode de vie des peuples autochtones du Canada visés par l'article 35 de la *Loi constitutionnelle de 1982* et qui utilisent les ressources d'une région de la vallée du Mackenzie et, d'autre part, des connaissances traditionnelles et des renseignements scientifiques mis à sa disposition.

61. (1) L'Office gwich'in des terres et des eaux et l'Office des terres et des eaux du Sahtu ne peuvent, en ce qui touche les permis ou autres autorisations, procéder à toute délivrance, toute modification ou tout renouvellement incompatible avec le plan d'aménagement territorial applicable aux termes de la partie 2.

(2) L'Office des terres et des eaux du Wekeezhii ne peut, en ce qui touche les permis ou autres autorisations, procéder à toute délivrance, toute modification ou tout renouvellement incompatible avec quelque plan d'aménagement territorial établi en vertu d'une règle de droit fédérale ou territoriale ou d'une loi tlicho et applicable à quelque partie de sa zone de gestion.

61.1 L'Office des terres et des eaux du Wekeezhii ne peut exercer ses pouvoirs discretionnaires relativement à l'utilisation des terres tlichos de manière incompatible avec toute loi tlicho établie en vertu de l'article 7.4.2 de l'accord tlicho.

36. Le paragraphe 63(2) de la même loi est remplacé par ce qui suit :

(2) Il avise la collectivité et la première nation concernées de toute demande de permis ou d'autorisation dont il est saisi et leur accorde un délai suffisant pour lui présenter des observations à cet égard.

Loi sur les eaux
des Territoires
du Nord-Ouest

5

Éléments à
considérer

Conformité avec
le plan
d'aménagement—
office
gwich'in et
office du Sahtu

Conformité avec
quelque plan
d'aménagement—
office
du Wekeezhii

Conformité avec
toute loi
tlicho—
office
du Wekeezhii

Avis à la
collectivité et à
la première
nation

Notice to Tlicho
Government

(3) The Wekeezhii Land and Water Board shall notify the Tlicho Government of an application made to the Board for a licence, permit or authorization and allow a reasonable period of time for it to make representations to the Board with respect to the application.

(3) L'Office des terres et des eaux du Wekeezhii avise de plus le gouvernement tlicho de toute demande de permis ou d'autorisation dont il est saisi et lui accorde un délai suffisant 5 pour lui présenter des observations à cet égard. 5

Avis au
gouvernement
tlicho

Consultation
with Tlicho
Government

(4) The Wekeezhii Land and Water Board shall consult the Tlicho Government before issuing, amending or renewing any licence, permit or authorization for a use of Tlicho lands 10 or waters on those lands or a deposit of waste on those lands or in those waters.

(4) L'Office des terres et des eaux du Wekeezhii consulte le gouvernement tlicho avant de délivrer, modifier ou rcnouveler un permis ou une autorisation relativement à l'utilisation des terres tlichos ou des eaux qui 10 s'y trouvent ou au dépôt de déchets dans ces lieux.

Consultation du
gouvernement
tlicho

37. (1) Subsection 64(1) of the Act is replaced by the following:

37. (1) Le paragraphe 64(1) de la même loi est remplacé par ce qui suit :

Heritage
resources

64. (1) A board shall seek and consider the 15 advice of any affected first nation and, in the case of the Wekeezhii Land and Water Board, the Tlicho Government and any appropriate department or agency of the federal or territorial government respecting the presence of heritage 20 resources that might be affected by a use of land or waters or a deposit of waste proposed in an application for a licence or permit.

64. (1) L'office doit demander et étudier 15 l'avis de toute première nation concernée, des ministères et organismes compétents des gouvernements fédéral et territorial et, s'agissant de l'Office des terres et des eaux du Wekeezhii, du gouvernement tlicho au sujet des ressources 20 patrimoniales susceptibles d'être touchées par l'activité visée par la demande de permis dont il est saisi.

Ressources
patrimoniales

(2) Subsection 64(2) of the English version of the Act is replaced by the following:

25 (2) Le paragraphe 64(2) de la version anglaise de la même loi est remplacé par ce 25 qui suit :

Wildlife
resources

(2) A board shall seek and consider the advice of the renewable resources board established by the land claim agreement applicable in its management area respecting the presence of wildlife and wildlife habitat that might be 30 affected by a use of land or waters or a deposit of waste proposed in an application for a licence or permit.

(2) A board shall seek and consider the advice of the renewable resources board established by the land claim agreement applicable in its management area respecting the presence of 30 wildlife and wildlife habitat that might be affected by a use of land or waters or a deposit of waste proposed in an application for a licence or permit.

Wildlife
resources

38. Section 68 of the Act is repealed.

38. L'article 68 de la même loi est abrogé. 35

39. Section 73 of the Act is renumbered as 35 subsection 73(1) and is amended by adding the following:

39. L'article 73 de la même loi devient le paragraphe 73(1) et est modifié par adjonction de ce qui suit :

Wildlife
harvesting and
traditional use —
Tlicho citizens

(2) Despite sections 8 and 9 of the *Northwest Territories Waters Act* — and subject to any applicable Tlicho laws and, in relation to waters 40 that are on settlement lands, any limitations under the applicable land claim agreement that are of the same type as those that apply in relation to waters on Tlicho lands — Tlicho citizens have the right to use water in the part of 45

(2) Malgré les articles 8 et 9 de la *Loi sur les eaux des Territoires du Nord-Ouest*, tout citoyen 40 tlicho a le droit d'utiliser les eaux se trouvant dans la partie du Monfwi gogha de niitlee comprise dans les Territoires du Nord-Ouest, sans permis d'utilisation de celles-ci, pour l'exploitation des ressources fauniques aux 45 termes de l'article 10.1.1 de l'accord tlicho,

Utilisation sans
permis —
citoyen tlicho

Monfwi Gogha De Niitlee that is in the Northwest Territories without a licence, for purposes of wildlife harvesting under 10.1.1 of chapter 10 of the Tlicho Agreement, for purposes of transportation related to such wildlife harvesting and for heritage, cultural or spiritual purposes of the Tlicho First Nation.

40. The portion of section 76 of the Act before paragraph (a) is replaced by the following:

76. The Gwich'in Land and Water Board or the Sahtu Land and Water Board may issue, amend or renew a licence, permit or authorization where the use of land or waters or the deposit of waste proposed by the applicant would, in the opinion of the board, interfere with a first nation's rights under section 75, if the board is satisfied that

41. Section 77 of the Act and the heading before it are replaced by the following:

COMPENSATION — GWICH'IN AND SAHTU
FIRST NATIONS

77. The Gwich'in Land and Water Board or the Sahtu Land and Water Board may not issue, amend or renew a licence pursuant to section 76 unless

(a) the applicant and the first nation enter into an agreement to compensate the first nation for any loss or damage resulting from any substantial alteration to the quality, quantity or rate of flow of waters when on or flowing through its first nation lands, or waters adjacent to its first nation lands; or

(b) the applicant or the first nation applies to the board for a determination pursuant to subsection 79(1).

42. Subsection 78(1) of the Act is replaced by the following:

pour les activités de transport s'y rattachant ou à des fins patrimoniales, culturelles ou spirituelles propres à la première nation tlicho, sous réserve de toute loi tlicho applicable et, s'agissant des eaux se trouvant sur des terres désignées, des limites prévues dans l'accord de revendication applicable qui sont analogues aux limites relatives aux eaux se trouvant sur des terres tlichos.

40. Le passage de l'article 76 de la même loi précédant l'alinéa a) est remplacé par ce qui suit:

76. L'Office gwich'in des terres et des eaux ou l'Office des terres et des eaux du Sahtu, selon le cas, peut délivrer, modifier ou renouveler un permis ou une autorisation dans les cas où, à son avis, l'utilisation des terres ou des eaux ou le dépôt de déchets aurait pour effet de porter atteinte au droit accordé par l'article 75 s'il est convaincu de ce qui suit:

41. L'article 77 de la même loi et l'intertitre précédant sont remplacés par ce qui suit:

INDEMNISATION DES PREMIÈRES NATIONS DES
GWICH'IN ET DU SAHTU

77. L'Office gwich'in des terres et des eaux ou l'Office des terres et des eaux du Sahtu, selon le cas, ne peut délivrer, modifier ou renouveler un permis d'utilisation des eaux dans les cas visés à l'article 76 que si le demandeur a conclu avec la première nation un accord d'indemnisation en ce qui touche les pertes ou les dommages résultant de toute altération importante de la qualité, de la quantité ou du débit des eaux qui sont sur les terres de cette dernière, qui les traversent ou qui y sont adjacentes, ou si la question de l'indemnité payable à la première nation a fait l'objet de la demande prévue au paragraphe 79(1).

42. Le passage du paragraphe 78(1) de la même loi précédant l'alinéa b) est remplacé par ce qui suit:

Issuance,
amendment or
renewal of
licences, etc.

Conditions for
licence

1998, c. 15,
par. 48(c); 2000,
c. 32, s. 54

Délivrance,
modification ou
renouvellement
de permis

Délivrance,
modification ou
renouvellement
de permis

1998, ch. 15,
al. 48c); 2000,
ch. 32, art. 54

Application to water authority

78. (1) If the Gwich'in Land and Water Board or the Sahtu Land and Water Board determines that a use of waters or a deposit of waste that is proposed, in an application made to a water authority, to be carried out in

(a) an area of the Northwest Territories or Nunavut outside the board's management area, or

(b) a park to which the *Canada National Parks Act* applies, or lands acquired pursuant to the *Historic Sites and Monuments Act*, in the board's management area

would be likely to substantially alter the quality, quantity or rate of flow of waters when on or flowing through first nation lands of the Gwich'in or Sahtu First Nation or waters adjacent to those first nation lands, the board shall notify the water authority in writing of its determination.

43. (1) Subsection 79(1) of the Act is replaced by the following:

79. (1) If a compensation agreement referred to in section 77 or 78 is not entered into within the period allowed by the rules of the Gwich'in Land and Water Board or the Sahtu Land and Water Board, as the case may be, the applicant or the first nation may apply to the board for a determination of compensation.

(2) Subparagraph 79(2)(a)(i) of the English version of the Act is replaced by the following:

(i) the first nation's use of waters when on or flowing through its first nation lands or waters adjacent to its first nation lands, and

44. The Act is amended by adding the following after section 79:

COMPENSATION — TLI CHO FIRST NATION

79.1 The Wekeezhii Land and Water Board may not issue, amend or renew a licence for the use of waters or the deposit of waste if, in its opinion, that use or deposit is likely to substantially alter the quality, quantity or rate

Conditions for licence

78. (1) S'il conclut que les activités — utilisation des eaux ou dépôt de déchets — visées par une demande d'autorisation présentée à une autorité de gestion des eaux auront vraisemblablement pour effet d'altérer de façon importante la qualité, la quantité ou le débit des eaux qui sont sur les terres de la première nation des Gwich'in ou de celle du Sahtu — selon le cas —, qui les traversent ou qui y sont adjacentes, l'Office gwich'in des terres et des eaux ou l'Office des terres et des eaux du Sahtu, selon le cas, notifie sa conclusion à cette autorité, dans les cas où ces activités doivent être exercées :

a) dans les Territoires du Nord-Ouest ou au Nunavut, à l'extérieur de sa zone de gestion;

43. (1) Le paragraphe 79(1) de la même loi est remplacé par ce qui suit :

79. (1) En cas de défaut de conclure l'accord d'indemnisation visé aux articles 77 ou 78 dans le délai fixé par les règles de l'Office gwich'in des terres et des eaux ou de l'Office des terres et des eaux du Sahtu, selon le cas, le demandeur de permis ou d'autorisation ou la première nation peut demander à l'office concerné de fixer l'indemnité.

(2) Le sous-alinéa 79(2)a(i) de la version anglaise de la même loi est remplacé par ce qui suit :

(i) the first nation's use of waters when on or flowing through its first nation lands or waters adjacent to its first nation lands, and

44. La même loi est modifiée par adjonction, après l'article 79, de ce qui suit :

INDEMNISATION DE LA PREMIÈRE NATION TLI CHO

79.1 L'Office des terres et des eaux du Wekeezhii ne peut délivrer, modifier ou renouveler un permis d'utilisation des eaux s'il conclut que les activités — utilisation des eaux ou dépôt de déchets — auront vraisemblablement pour effet d'altérer de façon importante la

Activités ailleurs dans les Territoires du Nord-Ouest ou au Nunavut

Renvoi à l'office

Délivrance, modification ou renouvellement de permis

of flow of waters when on or flowing through Tlicho lands or waters adjacent to Tlicho lands unless

(a) the Board is satisfied that there is no alternative that could reasonably satisfy the requirements of the applicant and that there are no reasonable measures by which the applicant could avoid the alteration; and

(b) the applicant has entered into an agreement with the Tlicho Government to compensate the Tlicho First Nation for any loss or damage that may be caused by the alteration, or the applicant or the Tlicho Government has applied to the Board under subsection 79.3(1) for a determination of compensation for that loss or damage.

Application to water authority

79.2 (1) If the Wekeezhii Land and Water Board determines that a use of waters or a deposit of waste that is proposed, in an application made to a water authority, to be carried out in

(a) Nunavut or an area of the Northwest Territories outside Wekeezhii, or

(b) a park to which the *Canada National Parks Act* applies, or lands acquired pursuant to the *Historic Sites and Monuments Act*, in Wekeezhii

would be likely to substantially alter the quality, quantity or rate of flow of waters when on or flowing through Tlicho lands or waters adjacent to Tlicho lands, the Board shall notify the water authority in writing of its determination.

Access to information

(2) A water authority shall provide the Board with any information in its possession that the Board requires in order to make a determination under subsection (1).

Conditions for authorization

(3) Despite any other Act, a water authority that is notified by the Board under subsection (1) may not authorize the proposed use of waters or deposit of waste unless

qualité, la quantité ou le débit des eaux qui sont sur les terres tlichos, les traversent ou y sont adjacentes, sauf si les conditions ci-après sont réunies :

a) il estime qu'il n'existe aucune autre solution permettant de satisfaire raisonnablement les besoins du demandeur et aucun moyen raisonnable lui permettant d'éviter l'altération;

b) soit le demandeur a conclu avec le gouvernement tlicho un accord d'indemnisation de la première nation tlicho pour les pertes ou dommages susceptibles de résulter de cette altération, soit le demandeur ou le gouvernement tlicho a demandé à l'Office, 15 aux termes du paragraphe 79.3(1), de fixer l'indemnité pour ces pertes ou dommages.

79.2 (1) S'il conclut que les activités — utilisation des eaux ou dépôt de déchets — visées par une demande d'autorisation présentée à une autorité de gestion des eaux auront vraisemblablement pour effet d'altérer de façon importante la qualité, la quantité ou le débit des eaux qui sont sur les terres tlichos, les traversent ou y sont adjacentes, l'Office des terres et des eaux du Wekeezhii notifie sa conclusion à cette autorité dans les cas où ces activités doivent être exercées :

Activités ailleurs dans les Territoires du Nord-Ouest ou au Nunavut

a) au Nunavut ou dans les Territoires du Nord-Ouest mais à l'extérieur du Wekeezhii;

b) à l'intérieur du Wekeezhii, dans un parc régi par la *Loi sur les parcs nationaux du Canada* ou sur des terres acquises sous le régime de la *Loi sur les lieux et monuments historiques*.

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(2) L'autorité de gestion des eaux est tenue de fournir à l'Office les renseignements qui sont en sa possession et que celui-ci peut exiger pour parvenir à la conclusion visée au paragraphe (1).

Renseignements

(3) Malgré toute autre loi fédérale, l'autorité de gestion des eaux qui fait l'objet de la notification prévue au paragraphe (1) ne peut délivrer l'autorisation que si le demandeur a conclu avec le gouvernement tlicho un accord d'indemnisation ou si la question de l'indemnité à payer à la première nation tlicho a fait l'objet de la demande prévue au paragraphe 79.3(1).

Condition préalable

(a) the applicant and the Tlicho Government have entered into an agreement to compensate the Tlicho First Nation for any loss or damage that may be caused by the alteration; or

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(b) the applicant or the Tlicho Government applies to the Board under subsection 79.3(1) for a determination.

Referral of compensation to Wekeezhii Board

79.3 (1) If a compensation agreement referred to in paragraph 79.1(b) or 79.2(3)(a), as the case may be, is not entered into, the applicant or the Tlicho Government may, after having participated in mediation under chapter 6 of the Tlicho Agreement, apply to the Wekeezhii Land and Water Board for a determination of 15 compensation.

79.3 (1) Faute d'avoir conclu l'accord d'indemnisation visé à l'alinéa 79.1b) ou au paragraphe 79.2(3), selon le cas, le demandeur ou le gouvernement tlicho peut demander à l'Office des terres et des eaux du Wekeezhii, après avoir participé à la médiation prévue au chapitre 6 de l'accord tlicho, de fixer l'indemnité. 5

Renvoi à l'office du Wekeezhii

Determination of compensation

(2) On an application under subsection (1), the Board shall determine the compensation payable in respect of the proposed use of waters or deposit of waste, taking into consideration 20

(2) Saisi d'une telle demande, l'Office tient compte, pour fixer l'indemnité : 10

Indemnité

(a) the effect of the proposed use or deposit on

(i) the use by Tlicho citizens of waters when on or flowing through Tlicho lands, or waters adjacent to Tlicho lands, 25

(ii) Tlicho lands, taking into account any cultural or special value of those lands to the Tlicho First Nation, and

(iii) wildlife harvesting carried on by Tlicho citizens; 30

(b) the nuisance or inconvenience, including noise, caused by the proposed use or deposit to Tlicho citizens on Tlicho lands; and

(c) any other factor that the Board considers relevant in the circumstances. 35

a) des effets de l'activité projetée sur l'utilisation par les citoyens tlichos des eaux qui sont sur les terres tlichos, les traversent ou y sont adjacentes, sur ces terres elles-mêmes, compte tenu de leur valeur culturelle ou 15 particulière pour la première nation tlicho, et sur l'exploitation des ressources fauniques par les citoyens tlichos;

b) des nuisances et inconvénients — notamment le bruit — que l'activité entraîne pour 20 les citoyens tlichos se trouvant sur ces terres;

c) de tout autre facteur qu'il estime pertinent dans les circonstances.

Form of compensation

(3) The compensation may be in the form of a lump sum payment or periodic payments or non-monetary compensation, including replacement of, or substitution for, damaged or lost property or relocation of Tlicho citizens or their 40 property, or any combination of those forms of compensation.

(3) L'indemnité peut prendre la forme d'une somme globale, de versements périodiques, 25 d'une compensation non pécuniaire telle que le remplacement des biens perdus ou endommagés ou la substitution d'autres biens à ces derniers, la réinstallation de citoyens tlichos et le transport de leurs biens ou d'une combinaison 30 de ces formes.

Forme de l'indemnité

45. (1) Subsection 80(1) of the French version of the Act is replaced by the following:

Obligation de fournir les matériaux — premières nations des Gwich'in et du Sahtu

80. (1) Les premières nations des Gwich'in ou du Sahtu sont tenues, sur demande, de fournir aux ministères et organismes des gouvernements fédéral et territorial ou à toute personne les matériaux de construction — sable, gravier, argile et autres — se trouvant sur leurs terres, et d'y donner accès, dans les cas où il n'existe aucune autre source d'approvisionnement accessible, sans difficulté excessive, dans la région avoisinante.

(2) The portion of subsection 80(3) of the Act before paragraph (a) is replaced by the following:

Reference to Board

(3) On application by the person or department or agency requesting the supply or access, the Gwich'in Land and Water Board or the Sahtu Land and Water Board, as the case may be, shall

46. The Act is amended by adding the following after section 80:

Duty to supply — Tlicho Government

80.1 (1) The Tlicho Government shall supply, and permit access to, sand, gravel, clay and like construction materials situated on Tlicho lands to any person that requests it, including any department or agency of the federal or territorial government or any local government of a Tlicho community.

Exception

(2) Subsection (1) does not apply if the materials are to be used on lands other than Tlicho lands, unless no alternate source of supply is reasonably available in an area closer to the lands where the materials are to be used.

Compensation — Tlicho Government

(3) The Tlicho Government is entitled to be paid for the value of materials supplied under subsection (1) and for the exercise of a right of access to the materials under that subsection,

45. (1) Le paragraphe 80(1) de la version française de la même loi est remplacé par ce qui suit :

80. (1) Les premières nations des Gwich'in ou du Sahtu sont tenues, sur demande, de fournir aux ministères et organismes des gouvernements fédéral et territorial ou à toute personne les matériaux de construction — sable, gravier, argile et autres — se trouvant sur leurs terres, et d'y donner accès, dans les cas où il n'existe aucune autre source d'approvisionnement accessible, sans difficulté excessive, dans la région avoisinante.

(2) Le paragraphe 80(3) de la même loi est remplacé par ce qui suit :

Obligation de fournir les matériaux — premières nations des Gwich'in et du Sahtu

(3) L'Office gwich'in des terres et des eaux ou l'Office des terres et des eaux du Sahtu, selon le cas, sur demande de quiconque réclame les matériaux ou l'accès à ceux-ci, soit se prononce sur la présence de sources d'approvisionnement accessibles, sans difficulté excessive, dans la région avoisinante, soit tranche tout conflit sur les modalités de l'approvisionnement en matériaux, sur l'accès à ceux-ci ou sur l'ordre de préséance entre la première nation et les autres utilisateurs.

Renvoi à l'office

46. La même loi est modifiée par adjonction, après l'article 80, de ce qui suit :

80.1 (1) Le gouvernement tlicho est tenu, sur demande, de fournir aux ministères et organismes fédéraux et territoriaux, à l'administration locale de la collectivité tlicho ainsi qu'à toute personne les matériaux de construction — sable, gravier, argile et autres — se trouvant sur les terres tlichos et d'y donner accès.

Obligation de fournir les matériaux — gouvernement tlicho

(2) Il n'est pas tenu de fournir ces matériaux ni d'y donner accès s'ils doivent être utilisés sur des terres autres que les terres tlichos à moins qu'il n'existe aucune autre source d'approvisionnement accessible, sans difficulté excessive, dans un endroit plus près des terres où ils doivent être utilisés.

Exception

(3) Il a le droit d'être payé pour la valeur des matériaux fournis et l'exercice du droit d'accès à ceux-ci à moins qu'ils ne soient utilisés soit à une fin d'utilité publique sur les terres tlichos ou

Contrepartie

unless the materials are to be used for a public purpose on Tlicho lands or in a Tlicho community or for a public road contiguous to Tlicho lands or to a Tlicho community.

Reference to Wekeezhii Land and Water Board

(4) On application by any person, department, agency or government requesting the supply of, or access to, materials under subsection (1) and after the applicant has participated in mediation under chapter 6 of the Tlicho Agreement, the Wekeezhii Land and Water Board shall

(a) determine, for the purpose of subsection (2), whether an alternate source of supply is reasonably available in an area closer to the lands where the materials are to be used;

(b) determine, for the purpose of subsection (3), whether the materials are to be used for a public purpose on Tlicho lands or in a Tlicho community or for a public road contiguous to Tlicho lands or a Tlicho community;

(c) resolve any dispute concerning terms or conditions of supply or access, excluding the amount to be paid under subsection (3); or

(d) resolve any dispute concerning conflicting uses of materials referred to in subsection (1) by the applicant and by the Tlicho Government or Tlicho citizens.

Reference to Board by Tlicho Government

(5) In the case of a dispute referred to in paragraph (4)(d), an application for its resolution may also be made to the Board by the Tlicho Government after it has participated in mediation under chapter 6 of the Tlicho Agreement.

47. Sections 82 and 83 of the Act are replaced by the following:

Consultation with first nations and Tlicho Government

82. (1) The federal Minister shall consult the Gwich'in and Sahtu First Nations and the Tlicho Government with respect to the amendment of the *Northwest Territories Waters Act* or regulations made under that Act.

dans une collectivité tlicho, soit pour un chemin public contigu aux terres tlichos ou aux limites d'une collectivité tlicho.

(4) Selon le cas, l'Office des terres et des eaux du Wekeezhii, sur demande de quiconque réclame les matériaux ou l'accès à ceux-ci et a participé à la médiation prévue au chapitre 6 de l'accord tlicho :

Renvoi à l'Office — demandeur

a) se prononce, pour l'application du paragraphe (2), sur la présence d'une autre source d'approvisionnement accessible, sans difficulté excessive, dans un endroit plus près des terres où les matériaux doivent être utilisés;

b) se prononce, pour l'application du paragraphe (3), sur le fait que les matériaux doivent être utilisés soit à une fin d'utilité publique sur les terres tlichos ou dans une collectivité tlicho, soit pour un chemin public contigu aux terres tlichos ou aux limites d'une collectivité tlicho;

c) tranche tout conflit concernant les conditions de l'approvisionnement en matériaux ou l'accès à ceux-ci, à l'exception du montant du paiement visé au paragraphe (3);

d) tranche tout conflit concernant l'incompatibilité de l'utilisation des matériaux par le gouvernement tlicho ou les citoyens tlichos avec celle projetée par le demandeur.

(5) Le gouvernement tlicho peut demander à l'Office, après avoir participé à la médiation prévue au chapitre 6 de l'accord tlicho, de trancher tout conflit visé à l'alinéa (4)d).

Renvoi à l'Office — gouvernement tlicho

47. Les articles 82 et 83 de la même loi sont remplacés par ce qui suit :

82. (1) Le ministre fédéral est tenu de consulter les premières nations des Gwich'in et du Sahtu et le gouvernement tlicho au sujet des propositions de modification de la *Loi sur les eaux des Territoires du Nord-Ouest* ou des règlements d'application de celle-ci.

Consultation des premières nations et du gouvernement tlicho

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Consultation with boards

(2) The federal Minister shall consult the boards with respect to the amendment of this Act or the *Northwest Territories Waters Act* or the making or amendment of any instrument pursuant to this Act or that Act.

(2) Il est de plus tenu de consulter l'office en ce qui touche soit les propositions de modification de la présente loi ou de la *Loi sur les eaux des Territoires du Nord-Ouest*, soit la prise ou la modification de leurs textes d'application.

Consultation de l'office

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POLICY DIRECTIONS

Minister's policy directions to board

83. (1) The federal Minister may, after consultation with a board, give written policy directions binding on the board with respect to the exercise of any of its functions under this Part. The federal Minister shall also consult the Tlicho Government before giving such written policy directions to the Wekeezhii Land and Water Board.

INSTRUCTIONS GÉNÉRALES OBLIGATOIRES

83. (1) Le ministre fédéral peut, après consultation de l'office, lui donner par écrit des instructions générales obligatoires relativement à l'exercice des attributions conférées à celui-ci par la présente partie. Le ministre consulte également le gouvernement tlicho avant de donner par écrit de telles instructions à l'Office des terres et des eaux du Wekeezhii.

Instructions ministérielles

Policy directions by the Tlicho Government to the Wekeezhii Board

(2) The Tlicho Government may, after consultation with the Wekeezhii Land and Water Board and the federal Minister, give written policy directions with respect to the exercise of any of its functions under this Part in relation to the use of Tlicho lands. Policy directions shall be binding on the Board to the extent that compliance with them does not require the Board to exceed its approved budget.

(2) Le gouvernement tlicho peut, après consultation de l'Office des terres et des eaux du Wekeezhii et du ministre fédéral, donner par écrit à l'Office des instructions générales obligatoires relativement à l'exercice des attributions conférées à celui-ci par la présente partie en ce qui touche l'utilisation des terres tlichos. Ces instructions lient l'Office dans la mesure où elles ne l'obligent pas à dépasser le budget approuvé à son égard.

Instructions du gouvernement tlicho

Limitation

(3) Except as provided by subsection (4), policy directions do not apply in respect of any application that, at the time the directions are given, is pending before a board or has been approved by a board and is awaiting approval under section 81.

(3) Sauf dans la mesure prévue au paragraphe (4), les instructions ne visent toutefois pas la demande qui, au moment où elles sont données, soit est pendante devant l'office, soit a été accueillie par celui-ci mais n'a pas encore reçu l'agrément prévu à l'article 81.

Non-application

Exception

(4) Policy directions apply in respect of an application referred to in subsection (3) if their non-application could result in the inconsistency of a licence, permit or authorization with another Act or with a regulation or order made under another Act.

(4) Elles s'appliquent à la demande visée au paragraphe (3) dans les cas où le contraire risquerait d'entraîner l'incompatibilité d'un permis ou d'une autre autorisation avec une autre loi fédérale ou ses textes d'application.

Exception

Conflict between policy directions

(5) If there is a conflict between policy directions given by the federal Minister under subsection (1) and policy directions given by the Tlicho Government under subsection (2), the policy directions given under subsection (2) prevail to the extent of the conflict.

(5) Les instructions données par le gouvernement tlicho en vertu du paragraphe (2) l'emportent sur les instructions incompatibles données par le ministre fédéral en vertu du paragraphe (1).

Incompatibilité entre les instructions

Conflict between legislation and policy directions

(6) If there is a conflict between policy directions given by the federal Minister or the Tlicho Government under this section and the provisions of any Act of Parliament, any

(6) Les dispositions des lois fédérales, de leurs règlements et des règles de droit territoriales l'emportent sur les instructions incompatibles données en vertu du présent article.

Incompatibilité entre la loi et les instructions

regulations made under an Act of Parliament or any territorial law, those provisions prevail to the extent of the conflict.

48. Section 85 of the Act is amended by adding the following after subsection (2):

Notice to Tlicho Government

(2.1) An inspector shall, if it is reasonable to do so, give the Tlicho Government prior notice of entry by the inspector on Tlicho lands.

49. Section 89 of the Act is amended by adding the following after subsection (1):

Notice to Tlicho Government by water inspector

(1.1) An inspector designated under the *Northwest Territories Waters Act* shall, if it is reasonable to do so, give the Tlicho Government prior notice of entry on Tlicho lands.

50. The portion of section 90 of the Act before paragraph (a) is replaced by the following:

Regulations respecting the use of land

90. The Governor in Council may, following consultation by the federal Minister with first nations and the Tlicho Government, make regulations respecting the protection, control and use of lands in the Mackenzie Valley and, in particular, may make regulations

51. The Act is amended by adding the following after section 90:

Prohibition — Tlicho lands

90.1 Even if the regulations do not require a permit or authorization under Part 3 or 4 for a particular use of land, no person shall use Tlicho lands without such a permit or authorization if one is required by a Tlicho law for uses of that type.

Exemption for use of land in Tlicho communities

90.2 Despite the regulations, a permit or authorization under Part 3 or 4 for a particular use of land in a Tlicho community is not required if the local government of that community has enacted a bylaw providing that one is not required for uses of that type.

52. Paragraph 91(b) of the Act is replaced by the following:

48. L'article 85 de la même loi est modifié par adjonction, après le paragraphe (2), de ce qui suit :

(2.1) L'inspecteur donne au gouvernement tlicho, dans les cas où il est indiqué de le faire, un préavis de son intention de procéder à la visite des terres tlichos.

49. L'article 89 de la même loi est modifié par adjonction, après le paragraphe (1), de ce qui suit :

(1.1) L'inspecteur donne au gouvernement tlicho, dans les cas où il est indiqué de le faire, un préavis de son intention de procéder à la visite des terres tlichos.

50. Le passage de l'article 90 de la même loi précédant l'alinéa a) est remplacé par ce qui suit :

90. Le gouverneur en conseil peut, après consultation des premières nations et du gouvernement tlicho par le ministre fédéral, prendre des règlements relativement à la protection, la surveillance et l'utilisation des terres dans la vallée du Mackenzie, notamment pour :

51. La même loi est modifiée par adjonction, après l'article 90, de ce qui suit :

90.1 Nul ne peut, même en l'absence d'exigence réglementaire à cet égard, utiliser les terres tlichos sans détenir un permis d'utilisation des terres ou une autorisation délivré sous le régime des parties 3 ou 4, selon le cas, si une loi tlicho l'exige.

90.2 Malgré les règlements, l'obtention d'un permis d'utilisation des terres ou d'une autorisation délivré sous le régime des parties 3 ou 4, selon le cas, n'est pas nécessaire si un règlement municipal établi par l'administration locale de la collectivité tlicho prévoit une exemption à l'égard du type d'utilisation projetée.

52. L'article 91 de la même loi est remplacé par ce qui suit :

Préavis au gouvernement tlicho

Préavis au gouvernement tlicho

Règlements concernant l'utilisation des terres

Interdiction — utilisation sans permis des terres tlichos

Exception

(b) respecting the determination of matters in dispute under section 80 or 80.1.

91. L'office peut établir des règles en ce qui touche soit le délai à respecter pour la conclusion de l'accord d'indemnisation visé aux articles 77 et 78, soit la résolution des conflits visés à l'article 80 ou 80.1.

Règles

53. (1) Subsection 92(1) of the Act is replaced by the following:

53. (1) Le paragraphe 92(1) de la même loi est remplacé par ce qui suit :

Principal offences

92. (1) Every person who contravenes section 90.1, any provision of the regulations, any condition of a permit or an order of an inspector under subsection 86(1) or (2) is guilty of an offence and liable on summary conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding six months, or to both.

92. (1) Quiconque contrevient à l'article 90.1, aux règlements, aux conditions d'un permis d'utilisation des terres ou à l'ordre donné par l'inspecteur en vertu des paragraphes 86(1) ou (2) commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 15 000 \$ et un emprisonnement maximal de six mois, ou l'une de ces peines.

Infractions principales

(2) Subsection 92(2) of the English version of the Act is replaced by the following:

(2) Le paragraphe 92(2) de la version anglaise de la même loi est remplacé par ce qui suit :

Reparation

(2) In addition to the penalty provided by subsection (1), a court that convicts a person of using land without a permit may, taking into account the nature of the offence and the circumstances of its commission, order the person to take any measures that it considers reasonable in order to repair or limit any damage resulting from the act or omission that constituted the offence.

(2) In addition to the penalty provided by subsection (1), a court that convicts a person of using land without a permit may, taking into account the nature of the offence and the circumstances of its commission, order the person to take any measures that it considers reasonable in order to repair or limit any damage resulting from the act or omission that constituted the offence.

Reparation

54. Section 95 of the Act is replaced by the following:

54. L'article 95 de la même loi est remplacé par ce qui suit :

Fees

95. Notwithstanding subsection 14(1) of the *Northwest Territories Waters Act*, the Gwich'in and Sahtu First Nations and the Tlicho Government are not required to pay any fee in respect of the use of waters or the deposit of waste for non-commercial purposes on their first nation lands or Tlicho lands, as the case may be.

95. Malgré le paragraphe 14(1) de la *Loi sur les eaux des Territoires du Nord-Ouest*, les premières nations des Gwich'in et du Sahtu et le gouvernement tlicho ne sont pas tenus de payer de droits pour l'utilisation des eaux ou le dépôt de déchets, à des fins non commerciales, sur leurs terres ou les terres tlichos, selon le cas.

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Droits

55. Subsections 96(2) and (3) of the Act are replaced by the following:

55. Les paragraphes 96(2) et (3) de la même loi sont remplacés par ce qui suit :

Terms defined in Part 3

(2) In this Part, the expressions "first nation lands", "land", "management area" and "waters" have the same meaning as in Part 3.

(2) Les termes « eaux », « terres », « terres d'une première nation » et « zone de gestion » s'entendent, pour l'application de la présente partie, au sens de la partie 3.

Définitions de la partie 3

Meaning of "permit"

(3) For the purposes of this Part, references to a permit in section 90, in the regulations made pursuant to that section and in sections 90.1, 90.2 and 92 include a permit as defined in subsection (1).

(3) Pour l'application de la présente partie, la mention de permis, à l'article 90 et dans les règlements pris en vertu de celui-ci, ainsi qu'aux articles 90.1, 90.2 et 92, vise également le permis d'utilisation des terres au sens du paragraphe (1).

Mention de permis

56. Subsections 99(2) to (4) of the Act are replaced by the following:

56. Les paragraphes 99(2) à (4) de la même loi sont remplacés par ce qui suit :

Regional panels — Gwich'in and Sahtu Boards

(2) On the coming into force of this Part, a board established by section 54 or 56 continues as a regional panel of the Board under the same name and in respect of the same management area as that of the board. Its members become members of the Board.

(2) Les offices constitués par les articles 54 et 56 deviennent, à l'entrée en vigueur de la présente partie, des formations régionales de l'Office à l'égard de leur zone de gestion. Ils conservent leur dénomination et leurs membres deviennent de plein droit membres de l'Office.

Formations régionales — office gwich'in et office du Sahtu

Regional panel — Wekeezhii Board

(2.1) Six months after the coming into force of section 57.1, the board established by that section continues as a regional panel of the Board under the same name and in respect of the same management area as that of the board. Its members become members of the Board.

(2.1) L'office constitué par l'article 57.1 devient, six mois après l'entrée en vigueur de cet article, une formation régionale de l'Office à l'égard de sa zone de gestion. Il conserve sa dénomination et ses membres deviennent d'office membres de l'Office.

Formation régionale — office du Wekeezhii

Applicable provisions

(3) The provisions of Part 1 respecting the appointment, tenure and removal from office of members of a board and respecting the chairperson of a board, and the provisions of Part 3 respecting the appointment of members of a board, the quorum of a board and its main office, continue to apply to a regional panel.

(3) Il est entendu que les dispositions de la partie 1 concernant la nomination des membres, leur mandat, leur révocation et la présidence et celles de la partie 3 concernant la nomination des membres, le quorum et le siège continuent de s'appliquer à la formation régionale.

Dispositions applicables

Composition

(4) In addition to the members of the regional panels referred to in subsections (2) and (2.1) and a chairperson, the Board shall, subject to subsection 108(7), consist of

(4) Outre les membres visés aux paragraphes (2) et (2.1), l'Office est, sous réserve du paragraphe 108(7), composé d'un président et :

Composition

(a) two members appointed following consultation by the federal Minister with the first nations and the Tlicho Government;

a) de deux membres nommés après consultation, par le ministre fédéral, des premières nations et du gouvernement tlicho;

(b) one member appointed on the nomination of the territorial Minister; and

b) d'un membre nommé sur la proposition du ministre territorial;

(c) one other member.

c) d'un autre membre.

57. The heading before section 102 of the French version of the Act is replaced by the following:

57. L'intertitre précédant l'article 102 de la version française de la même loi est remplacé par ce qui suit :

MISSION ET COMPÉTENCE DE L'OFFICE

MISSION ET COMPÉTENCE DE L'OFFICE

58. Section 102 of the Act is replaced by the following:

58. L'article 102 de la même loi est remplacé par ce qui suit :

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Objectives — Board	<p>101.1 (1) The objectives of the Board are to provide for the conservation, development and utilization of land and water resources in a manner that will provide the optimum benefit generally for all Canadians and in particular for residents of the Mackenzie Valley.</p>	<p>101.1 (1) L'Office a pour mission d'assurer la préservation, la mise en valeur et l'exploitation des terres et des eaux de la façon la plus avantageuse possible pour tous les Canadiens et, en particulier, pour les habitants de la vallée du Mackenzie.</p>	Mission de l'Office
Objectives — Gwich'in and Sahtu regional panels	<p>(2) The objectives of a regional panel referred to in subsection 99(2) are to provide for the conservation, development and utilization of land and water resources in a manner that will provide the optimum benefit for residents of its management area and of the Mackenzie Valley and for all Canadians.</p>	<p>(2) Les formations régionales de l'Office visées au paragraphe 99(2) ont pour mission d'assurer la préservation, la mise en valeur et l'exploitation des terres et des eaux de la façon la plus avantageuse possible pour les habitants de leur zone de gestion, ceux de la vallée du Mackenzie et tous les Canadiens.</p>	Mission de certaines formations régionales
Objectives — Wekeezhii regional panel	<p>(3) The objectives of the regional panel referred to in subsection 99(2.1) are to provide for the conservation, development and utilization of land and water resources in a manner that will provide the optimum benefit generally for all Canadians and in particular for residents of its management area.</p>	<p>(3) La formation régionale de l'Office visée au paragraphe 99(2.1) a pour mission d'assurer la préservation, la mise en valeur et l'exploitation des terres et des eaux de la façon la plus avantageuse possible pour tous les Canadiens et, en particulier, pour les habitants de sa zone de gestion.</p>	Mission de l'une des formations régionales
Jurisdiction — Board	<p>102. (1) The Board has jurisdiction in respect of all uses of land or waters or deposits of waste in the Mackenzie Valley for which a permit is required under Part 3 or a licence is required under the <i>Northwest Territories Waters Act</i>, and for that purpose the Board has the powers and duties of a board established under Part 3, other than powers under sections 78, 79 and 79.2 to 80.1, as if a reference in that Part to a management area were a reference to the Mackenzie Valley, except that, with regard to subsection 61(2), the reference to management area continues to be a reference to Wekeezhii.</p>	<p>102. (1) L'Office a compétence en ce qui touche toute forme d'utilisation des terres ou des eaux ou de dépôt de déchets réalisée dans la vallée du Mackenzie pour laquelle un permis est nécessaire sous le régime de la partie 3 ou aux termes de la <i>Loi sur les eaux des Territoires du Nord-Ouest</i>. Il exerce à cet égard les attributions conférées aux offices constitués en vertu de cette partie, exception faite toutefois de celles prévues aux articles 78, 79 et 79.2 à 80.1, la mention de la zone de gestion dans les dispositions pertinentes de cette partie valant mention de la vallée du Mackenzie, sauf au paragraphe 61(2) où cette mention continue de viser le Wekeezhii.</p>	Compétence de l'Office
Jurisdiction — regional panels	<p>(2) A regional panel of the Board shall exercise</p> <p>(a) the powers and duties referred to in subsection (1) in respect of a use of land or waters or a deposit of waste that is to take place, and that is likely to have an impact, wholly within the management area of the regional panel; and</p> <p>(b) the powers conferred by sections 78, 79 and 79.2 to 80.1 on the board established under Part 3 for that management area.</p>	<p>(2) Les attributions visées au paragraphe (1) sont exercées, en ce qui touche toute forme d'utilisation des terres ou des eaux ou de dépôt de déchets devant être réalisée entièrement dans les limites de sa zone de gestion, et devant vraisemblablement y avoir ses répercussions, par la formation régionale compétente. Celle-ci exerce aussi, malgré ce paragraphe, les attributions conférées aux offices par les articles 78, 79 et 79.2 à 80.1.</p>	Compétence des formations régionales

59. (1) Subsection 103(1) of the Act is replaced by the following:

Applications to Board

103. (1) An application shall be made to the Board where the application relates to a use of land or waters or a deposit of waste

(a) that is to take place, or is likely to have an impact, in more than one management area, or in a management area and an area outside any management area; or

(b) that is to take place wholly outside any 10 management area.

(2) Subsection 103(2) of the English version of the Act is replaced by the following:

Applications to regional panel

(2) An application relating to a use of land or waters or a deposit of waste described in 15 subsection 102(2), including an application relating to a licence or permit for such a use or deposit issued pursuant to Part 3 before the coming into force of this Part, shall be made to the regional panel of the Board for the manage- 20 ment area referred to in that subsection.

60. Section 104 of the Act is replaced by the following:

Power of chairperson

104. Applications referred to in subsection 103(1) shall be disposed of by three or more 25 members of the Board designated by the chairperson for that purpose, including at least one of the members appointed to a regional panel — on the nomination of a first nation or by the Tlicho Government — or appointed to 30 the Board following consultation with first nations and the Tlicho Government and at least one of the members of the Board not so appointed.

61. The Act is amended by adding the 35 following after section 106:

Requirement to make recommendations

106.1 (1) The Board shall, at the request of the federal Minister, make recommendations to the federal Minister with respect to the amendment of this Act or the *Northwest Territories 40 Waters Act* or the making or amendment of any instrument under this Act or that Act.

59. (1) Le paragraphe 103(1) de la même loi est remplacé par ce qui suit :

Demandes présentées à l'Office

103. (1) Sont présentées à l'Office les demandes relatives aux activités devant être 5 réalisées ou devant vraisemblablement avoir des répercussions soit dans plus d'une zone de gestion, soit dans une zone de gestion et une région autre qu'une zone de gestion ou devant être entièrement réalisées dans une région autre qu'une zone de gestion. 10

(2) Le paragraphe 103(2) de la version anglaise de la même loi est remplacé par ce qui suit :

Applications to regional panel

(2) An application relating to a use of land or waters or a deposit of waste described in 15 subsection 102(2), including an application relating to a licence or permit for such a use or deposit issued pursuant to Part 3 before the coming into force of this Part, shall be made to the regional panel of the Board for the manage- 20 ment area referred to in that subsection.

60. L'article 104 de la même loi est remplacé par ce qui suit :

Pouvoir du président

104. Le président désigne, pour l'instruction 25 des demandes visées au paragraphe 103(1), au moins trois membres de l'Office, dont au moins un nommé sur la proposition des premières nations ou après consultation de celles-ci et du gouvernement tlicho — ou nommé par le 30 gouvernement tlicho — et au moins un qui n'est pas ainsi nommé.

61. La même loi est modifiée par adjonction, après l'article 106, de ce qui suit :

Recommandations au ministre fédéral

106.1 (1) L'Office fait au ministre fédéral, 35 sur demande de celui-ci, des recommandations concernant soit la modification de la présente loi ou de la *Loi sur les eaux des Territoires du Nord-Ouest*, soit la prise ou la modification de leurs textes d'application.

Discretion to make recommendations

(2) The Board may make recommendations to

(a) the Minister responsible for any Act of Parliament regarding the use of land or waters or the deposit of waste, with respect to the amendment of that Act or the making or amendment of any instrument under that Act;

(b) the territorial Minister with respect to the amendment of territorial laws regarding the use of land or waters or the deposit of waste;

(c) a local government with respect to the amendment of bylaws enacted by that government regarding the use of land or waters or the deposit of waste; and

(d) the Tlicho Government with respect to the amendment of Tlicho laws regarding the use of Tlicho lands or waters on those lands or a deposit of waste on those lands or in those waters.

62. Subsections 108(1) and (2) of the Act are replaced by the following:

108. (1) The Governor in Council may, on the recommendation of the federal Minister, establish up to two regional panels of the Board in addition to those referred to in subsections 99(2) and (2.1).

Establishment of additional panels

Powers

(2) The area of the Mackenzie Valley in which such a regional panel has jurisdiction shall be specified by the Governor in Council, following consultation with affected first nations, which area must be wholly outside any management area. Subsections 102(2) and 103(2) to (5) apply in relation to that area with such modifications as are required.

63. The Act is amended by adding the following after section 109:

POWERS OF TLICHO GOVERNMENT

109.1 The Tlicho Government may exercise the same powers and shall perform the same duties in relation to the Board and the regional panel of the Board referred to in subsection 40

Policy directions by the Tlicho Government

(2) Il peut également, de sa propre initiative, faire des recommandations au ministre responsable, au ministre territorial et à toute administration locale respectivement, selon qu'il s'agit de la modification d'une loi fédérale — ou la prise ou la modification de ses textes d'application —, d'une règle de droit territoriale ou d'un règlement municipal régissant l'utilisation des terres ou des eaux ou le dépôt de déchets. Il peut en outre faire des recommandations au gouvernement tlicho concernant la modification d'une loi tlicho régissant l'utilisation des terres tlichos ou des eaux qui s'y trouvent ou le dépôt de déchets dans ces lieux.

Recommandations à d'autres autorités

62. Les paragraphes 108(1) et (2) de la même loi sont remplacés par ce qui suit:

108. (1) Le gouverneur en conseil peut, sur recommandation du ministre fédéral, constituer au plus deux formations régionales qui s'ajoutent à celles visées aux paragraphes 99(2) et 20 (2.1).

Formations régionales supplémentaires

(2) Le gouverneur en conseil détermine, après consultation des premières nations concernées, la région — située dans la vallée du Mackenzie et non comprise, même en partie, dans une zone de gestion — qui relève de la compétence de chaque formation supplémentaire. Les paragraphes 102(2) et 103(2) à (5) s'appliquent dès lors, avec les adaptations nécessaires, en ce qui touche la région concernée.

Compétence

63. La même loi est modifiée par adjonction, après l'article 109, de ce qui suit:

POUVOIRS DU GOUVERNEMENT TLICHO

109.1 Le gouvernement tlicho exerce, en ce qui touche l'Office et la formation régionale visée au paragraphe 99(2.1), les attributions qui sont les siennes aux termes de l'article 83 relativement à l'Office des terres et des eaux du Wekeezhii.

Instructions du gouvernement tlicho

99(2.1) as those that the Tlicho Government has under section 83 in relation to the Wekeezhii Land and Water Board.

PRECEDENCE RELATING TO POLICY DIRECTIONS

RÈGLES APPLICABLES EN CAS D'INCOMPATIBILITÉ

Conflict between policy directions

109.2 (1) If there is a conflict between policy directions given by the federal Minister under section 109 and policy directions given by the Tlicho Government under section 109.1, the policy directions under section 109.1 prevail to the extent of the conflict.

109.2 (1) Les instructions données par le gouvernement tlicho en vertu de l'article 109.1 l'emportent sur les instructions incompatibles données par le ministre fédéral en vertu de l'article 109.

Incompatibilité entre les instructions

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Conflict between legislation and policy directions

(2) If there is a conflict between policy directions given by the federal Minister under section 109 or by the Tlicho Government under section 109.1 and the provisions of any Act of Parliament, any regulations made under an Act of Parliament or any territorial law, those provisions prevail to the extent of the conflict.

(2) Les dispositions des lois fédérales, de leurs règlements et des règles de droit territoriales l'emportent sur les instructions incompatibles données par le ministre fédéral en vertu de l'article 109 ou le gouvernement tlicho en vertu de l'article 109.1.

Incompatibilité entre la loi et les instructions

64. The heading "*Interpretation*" before section 111 of the Act is replaced by the following:

64. L'intertitre « *Définitions* » précédant l'article 111 de la même loi est remplacé par ce qui suit:

INTERPRETATION AND APPLICATION

DÉFINITIONS ET CHAMP D'APPLICATION

65. (1) The portion of section 111 of the Act before the definition "designated regulatory agency" is replaced by the following:

65. (1) Le passage de l'article 111 de la même loi précédant la définition de « autorité administrative » est remplacé par ce qui suit:

Definitions

111. (1) The following definitions apply in this Part.

111. (1) Les définitions qui suivent s'appliquent à la présente partie.

Définitions

2000, c. 32, s. 55

(2) The definition "development" in subsection 111(1) of the Act is replaced by the following:

(2) La définition de « projet de développement », au paragraphe 111(1) de la même loi, est remplacée par ce qui suit:

2000, ch. 32, art. 55

"development" « projet de développement »

"development" means any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law.

« projet de développement » Ouvrage ou activité — ou toute partie ou extension de ceux-ci — devant être réalisé sur la terre ou sur l'eau. Y sont assimilées la prise de mesures, par un ministère ou un organisme gouvernemental, en vue de la constitution de parcs régis par la *Loi sur les parcs nationaux du Canada* ou de la constitution de parcs en vertu d'une règle de droit territoriale ainsi que l'acquisition de terres sous le régime de la *Loi sur les lieux et monuments historiques*.

« projet de développement » "development"

(3) Section 111 of the Act is amended by adding the following after subsection (1):

(3) L'article 111 de la même loi est modifié par adjonction, après le paragraphe (1), de ce qui suit:

Application

(2) This Part applies in respect of developments to be carried out wholly or partly within the Mackenzie Valley and, except for section 142, does not apply in respect of developments wholly outside the Mackenzie Valley.

(2) La présente partie s'applique aux projets de développement devant être réalisés en tout ou en partie dans la vallée du Mackenzie et ne s'applique pas, à l'exception de l'article 142, aux projets devant être réalisés entièrement à l'extérieur de celle-ci.

Champ d'application

66. (1) Subsection 112(2) of the Act is replaced by the following:

66. (1) Le paragraphe 112(2) de la même loi est remplacé par ce qui suit :

Nominations by first nations and the Tlicho Government

(2) One half of the members of the Review Board other than the chairperson shall be persons appointed on the nomination of first 10 nations and the Tlicho Government, including at least one nominated by the Gwich'in First Nation, one nominated by the Sahtu First Nation and one nominated by the Tlicho Government.

(2) Des membres autres que le président, la moitié est nommée sur la proposition des 10 premières nations et du gouvernement tlicho. Parmi les membres ainsi nommés, au moins un doit l'être sur la proposition de la première nation des Gwich'in, un autre sur celle de la première nation du Sahtu et un autre sur celle du 15 gouvernement tlicho.

Propositions de nomination — premières nations et gouvernement tlicho

(2) Subsection 112(3) of the English version of the Act is replaced by the following:

(2) Le paragraphe 112(3) de la version anglaise de la même loi est remplacé par ce qui suit :

Government members

(3) Of the members of the Review Board other than the chairperson and those appointed in accordance with subsection (2), at most one half shall be nominated by the territorial 20 Minister.

(3) Of the members of the Review Board 20 other than the chairperson and those appointed in accordance with subsection (2), at most one half shall be nominated by the territorial Minister.

Government members

(3) Subsection 112(4) of the Act is replaced by the following:

(3) Le paragraphe 112(4) de la même loi 25 est remplacé par ce qui suit :

Quorum

(4) A quorum of the Review Board consists of five members, including two of the members 25 appointed in accordance with subsection (2) and two of the members not so appointed other than the chairperson.

(4) Le quorum est de cinq membres, dont au moins deux nommés conformément au paragraphe (2) et au moins deux — outre le président — qui ne sont pas ainsi nommés. 30

Quorum

67. Section 115 of the Act is amended by striking out the word "and" at the end of 30 paragraph (a), by adding the word "and" at the end of paragraph (b) and by adding the following after paragraph (b):

67. L'article 115 de la même loi est modifié par adjonction, après l'alinéa b), de ce qui suit :

(c) the importance of conservation to the well-being and way of life of the aboriginal 35 peoples of Canada to whom section 35 of the *Constitution Act, 1982* applies and who use an area of the Mackenzie Valley.

c) l'importance de préserver les ressources pour le bien-être et le mode de vie des 35 peuples autochtones du Canada visés par l'article 35 de la *Loi constitutionnelle de 1982* et qui utilisent les ressources d'une région de la vallée du Mackenzie.

68. The Act is amended by adding the following after section 115:

68. La même loi est modifiée par adjonc- 40 tion, après l'article 115, de ce qui suit :

Considerations

115.1 In exercising its powers, the Review Board shall consider any traditional knowledge and scientific information that is made available to it.

115.1 Dans l'exercice de ses pouvoirs, l'Office tient compte des connaissances traditionnelles et des renseignements scientifiques mis à sa disposition.

Éléments à considérer

69. Paragraph 116(b) of the Act is replaced by the following:

69. L'alinéa 116(b) de la même loi est 5 remplacé par ce qui suit:

(b) proposals that are the subject of agreements referred to in paragraph 141(2)(a) or (3)(b), to the extent provided by such agreements. 10

b) dans les cas de projets faisant l'objet d'accords visés à l'alinéa 141(2)a) ou (3)b), dans la mesure prévue par ceux-ci.

70. (1) Paragraph 117(2)(d) of the Act is replaced by the following:

70. (1) L'alinéa 117(2)d) de la même loi est 10 remplacé par ce qui suit:

(d) where the development is likely to have a significant adverse impact on the environment, the need for mitigative or remedial 15 measures; and

d) dans les cas où le projet de développement aura vraisemblablement des répercussions négatives importantes sur l'environnement, la nécessité de prendre des mesures correctives ou d'atténuation;

(2) Section 117 of the Act is amended by adding the following after subsection (3):

(2) L'article 117 de la même loi est modifié par adjonction, après le paragraphe (3), de ce qui suit:

Joint panels

(4) Subsections (2) and (3) apply in respect of an examination of a proposal for a develop- 20 ment by a review panel, or a joint panel, established jointly by the Review Board and any other person or body.

(4) Les paragraphes (2) et (3) s'appliquent à 20 l'égard de l'examen effectué par une formation conjointe ou une commission conjointe établie par l'Office et une autre autorité.

Éléments à examiner—examen conjoint

71. Section 118 of the Act is replaced by the following:

71. L'article 118 de la même loi est 25 remplacé par ce qui suit: 25

Implementation of proposals

118. (1) No licence, permit or other authorization required for the carrying out of a development may be issued under any federal, territorial or Tlicho law unless the requirements of this Part have been complied with in relation 30 to the development.

118. (1) La délivrance, au titre de toute règle de droit fédérale ou territoriale ou d'une loi tlicho, d'un permis ou de toute autre autorisation nécessaire à la réalisation d'un projet de développement n'a lieu qu'une fois remplies les 30 exigences de la présente partie.

Délivrance de permis ou d'autorisation

Implementation of proposals

(2) Where the Gwich'in or Sahtu First Nation, the Tlicho Government, a local government or a department or agency of the federal or territorial government proposes to carry out a 35 development that does not require a licence, permit or other authorization under any federal, territorial or Tlicho law, it shall comply with the requirements of this Part before taking any irrevocable action in relation to the develop- 40 ment.

(2) Le promoteur — première nation des Gwich'in, première nation du Sahtu, gouvernement tlicho, administration locale, ministère ou organisme des gouvernements fédéral et territorial — d'un projet de développement pour lequel une telle autorisation n'est pas requise ne peut prendre aucune mesure irrévocable à son égard avant que n'aient été remplies ces 40 exigences.

Prise de mesures irrévocables

72. The portion of section 120 of the Act before paragraph (a) is replaced by the following:

72. Le passage de l'article 120 de la même loi précédant l'alinéa a) est remplacé par ce qui suit:

Guidelines	<p>120. Following consultation with first nations, the Tlicho Government and the federal and territorial Ministers and subject to any regulations made under paragraph 143(1)(a), the Review Board may establish guidelines respecting the process established by this Part, including guidelines</p> <p>73. Section 121 of the Act is replaced by the following:</p>	<p>120. L'Office peut, sous réserve des règlements pris en vertu de l'alinéa 143(1)a) et après consultation des premières nations, du gouvernement tlicho et des ministres fédéral et territorial, établir des directives relativement au processus mis en place par la présente partie, notamment en ce qui touche :</p> <p>73. L'article 121 de la même loi est remplacé par ce qui suit :</p>	Directives
Written reasons	<p>121. The Review Board, a review panel thereof, a review panel, or a joint panel, established jointly by the Review Board and any other person or body, the federal Minister, a responsible minister, a designated regulatory agency, a regulatory authority, a department or agency of the federal or territorial government, a local government, the Gwich'in or Sahtu First Nation or the Tlicho Government shall issue and make available to the public written reasons for any decision or recommendation made under the process established by this Part.</p> <p>74. The Act is amended by adding the following after section 123:</p>	<p>121. Sont consignés et mis à la disposition du public les motifs des décisions et des recommandations formulées, dans le cadre du processus mis en place par la présente partie, par l'Office, ses formations, les formations conjointes et les commissions conjointes établies par l'Office et une autre autorité, le ministre fédéral, tout ministre compétent, les organismes administratifs désignés, les autorités administratives, les ministères et organismes fédéraux ou territoriaux, les administrations locales, la première nation des Gwich'in, celle du Sahtu ou le gouvernement tlicho.</p> <p>74. La même loi est modifiée par adjonction, après l'article 123, de ce qui suit :</p>	Publication des motifs
Consultation	<p>123.1 In conducting a review or examination of the impact on the environment of a development, a review panel of the Review Board or a review panel, or a joint panel, established jointly by the Review Board and any other person or body,</p> <p>(a) shall carry out any consultations that are required by any of the land claim agreements; and</p> <p>(b) may carry out other consultations with any persons who use an area where the development might have an impact on the environment.</p>	<p>123.1 Au cours de l'étude d'impact ou de l'examen des répercussions environnementales d'un projet de développement, la formation de l'Office ou la formation conjointe ou la commission conjointe établie par l'Office et une autre autorité procède aux consultations exigées par les accords de revendication et, en outre, elle peut consulter toute personne qui utilise les ressources de la région où le projet peut avoir des répercussions sur l'environnement.</p>	Consultations
Conflict of interest	<p>123.2 (1) A person shall not be appointed, or continue, as a member of a review panel of the Review Board or of a review panel, or a joint panel, established jointly by the Review Board and any other person or body, if doing so would place the member in a material conflict of interest.</p>	<p>123.2 (1) Nul ne peut être nommé membre d'une formation de l'Office ou d'une formation conjointe ou d'une commission conjointe établie par l'Office et une autre autorité ni continuer d'en faire partie s'il en résulte une situation de conflit d'intérêts sérieux.</p>	Conflit d'intérêts
Status or entitlements under agreement	<p>(2) A person is not in a material conflict of interest merely because of any status or entitlement conferred on the person under the</p>	<p>(2) N'ont pas pour effet de créer, à eux seuls, une situation de conflit d'intérêts sérieux le statut ou les droits conférés à une personne aux</p>	Statut et droits conférés par accord

Gwich'in Agreement, the Sahtu Agreement, the Tlicho Agreement or any other agreement between a first nation and Her Majesty in right of Canada for the settlement of a claim to lands.

termes soit de l'accord gwich'in, de l'accord du Sahtu ou de l'accord tlicho, soit de tout autre accord sur des revendications territoriales conclu entre une première nation et Sa Majesté du chef du Canada.

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Nominations

123.3 In appointing a review panel of the Review Board or a review panel, or a joint panel, established jointly by the Review Board and any other person or body, the Review Board and those other persons or bodies shall comply with the requirements of land claim agreements respecting nominations for appointment.

123.3 La nomination des membres de la formation de l'Office ou de ceux de la formation conjointe ou de la commission conjointe établie par l'Office et une autre autorité est effectuée conformément aux règles relatives aux propositions de nomination prévues dans les accords de revendication.

Propositions de nomination

75. (1) The portion of subsection 124(2) of the Act before paragraph (a) is replaced by the following:

75. (1) Le passage du paragraphe 124(2) de la même loi précédant l'alinéa a) est remplacé par ce qui suit :

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Proposal not requiring application

(2) Where a development that does not require a licence, permit or other authorization under any federal or territorial law is proposed to be carried out by a department or agency of the federal or territorial government or by the Gwich'in or Sahtu First Nation or the Tlicho Government, the body proposing to carry out that development shall, after notifying the Review Board in writing of the proposal for the development, conduct a preliminary screening of the proposal, unless

(2) Dans les cas de projet dont le promoteur est soit la première nation des Gwich'in, celle du Sahtu ou le gouvernement tlicho, soit un ministère ou un organisme gouvernemental fédéral ou territorial, et pour lequel une demande de permis ou d'autorisation n'a pas à être présentée en vertu d'une règle de droit fédérale ou territoriale, ce promoteur est tenu, après avoir informé l'Office par écrit de ce projet, d'en effectuer l'examen préalable, sauf si :

Projet non visé par une demande

(2) Subsection 124(3) of the Act is replaced by the following:

(2) Le paragraphe 124(3) de la même loi est remplacé par ce qui suit :

Preliminary screening by Gwich'in, Sahtu or Tlicho

(3) The Gwich'in First Nation, the Sahtu First Nation or the Tlicho Government, as the case may be, may conduct a preliminary screening of a proposal for a development to determine whether to refer the proposal for an environmental assessment in accordance with paragraph 126(2)(b) or (c).

(3) La première nation des Gwich'in, celle du Sahtu ou le gouvernement tlicho peut effectuer l'examen préalable d'un projet de développement en vue d'établir si le projet doit, à son avis, faire l'objet du renvoi visé aux alinéas 126(2)b) ou c), selon le cas.

Examen préalable facultatif

Cooperation

(4) Where more than one body conducts a preliminary screening in respect of a development, any of them may consult the others, adopt another's report or participate in a joint preliminary screening and, where one of them is a board established under Part 3 or 4, the others are not required to conduct a preliminary screening.

(4) Les organes qui effectuent un examen préalable au sujet du même projet de développement peuvent se consulter, entériner leurs rapports respectifs ou procéder à un examen conjoint. Au surplus, si l'un d'eux est un office constitué en vertu des parties 3 ou 4, les autres sont soustraits à cette obligation en ce qui touche ce projet.

Coopération

76. (1) Paragraphs 126(2)(b) and (c) of the Act are replaced by the following:

76. (1) Les alinéas 126(2)b) et c) de la même loi sont remplacés par ce qui suit :

(b) the Gwich'in or Sahtu First Nation, in the case of a development to be carried out in its settlement area or a development that might have an impact on the environment in that settlement area;

(c) the Tlicho Government, in the case of a development to be carried out wholly or partly in the part of Monfwi Gogha De Niitlee that is in the Northwest Territories or a development that might have an impact on the environment in that part; or

(d) a local government, in the case of a development to be carried out within its boundaries or a development that might have an impact on the environment within its boundaries.

(2) Subsection 126(4) of the Act is replaced by the following:

(4) For greater certainty, subsections (2) and (3) apply even if a preliminary screening has not been commenced or, if commenced, has not been completed.

77. The Act is amended by adding the following after section 127:

127.1 Before completing an environmental assessment of a proposal for a development that is to be carried out wholly or partly on first nation lands as defined in section 51 or on Tlicho lands, the Review Board shall consult the first nation on whose lands the development is to be carried out or, if the development is to be carried out on Tlicho lands, the Tlicho Government.

78. (1) Subsection 128(2) of the Act is replaced by the following:

(2) The Review Board shall make a report of an environmental assessment to

(a) the federal Minister, who shall distribute it to every responsible minister;

(b) any designated regulatory agency from which a licence, permit or other authorization is required for the carrying out of the development; and

b) de la première nation des Gwich'in ou celle du Sahtu, dans les cas où le projet doit être réalisé dans les limites de sa région désignée ou est susceptible d'y avoir des répercussions sur l'environnement;

c) du gouvernement tlicho, dans les cas où le projet doit être réalisé — même en partie — dans la partie du Monfwi gogha de niitlee comprise dans les limites des Territoires du Nord-Ouest ou est susceptible d'y avoir des répercussions sur l'environnement;

d) d'une administration locale, dans les cas où le projet doit être réalisé dans les limites de son territoire ou est susceptible d'y avoir des répercussions sur l'environnement.

(2) Le paragraphe 126(4) de la même loi est remplacé par ce qui suit :

(4) Il est entendu que les paragraphes (2) et (3) s'appliquent même si aucun examen préalable n'a été entrepris ou terminé.

77. La même loi est modifiée par adjonction, après l'article 127, de ce qui suit :

127.1 L'Office consulte la première nation ou le gouvernement tlicho, selon le cas, avant de terminer l'évaluation environnementale d'un projet de développement devant être réalisé — même en partie — sur les terres de la première nation au sens de l'article 51 ou sur les terres tlichos.

78. (1) Le paragraphe 128(2) de la même loi est remplacé par ce qui suit :

(2) L'Office adresse son rapport d'évaluation, d'une part, au ministre fédéral, qui est tenu de le transmettre à tout ministre compétent, et, d'autre part, à l'organisme administratif désigné chargé de délivrer les permis ou autres autorisations nécessaires à la réalisation du projet. Il adresse également le rapport au gouvernement tlicho s'il s'agit d'un projet devant être réalisé — même en partie — sur les terres tlichos.

For greater certainty

Application des paragraphes (2) et (3)

Consultation

Consultation de la première nation ou du gouvernement tlicho

Report to ministers, agencies and Tlicho Government

Rapport de l'Office

(c) if the development is to be carried out wholly or partly on Tlicho lands, the Tlicho Government.

(2) Subsection 128(3) of the French version of the Act is replaced by the following:

(3) L'Office adresse une copie du rapport au promoteur du projet de développement, à l'organe en ayant effectué l'examen préalable et, en cas de renvoi effectué en vertu du paragraphe 126(2), au ministère, à l'organisme, à la première nation, au gouvernement tlicho ou à l'administration locale concernée.

79. Section 129 of the Act is replaced by the following:

129. Where the Review Board makes a determination under paragraph 128(1)(a),

(a) a regulatory authority, a designated regulatory agency or the Tlicho Government shall not issue a licence, permit or other authorization for the development, and

(b) where no licence, permit or authorization is required under any federal, territorial or Tlicho law for the development, the person or body that proposes to carry it out shall not proceed,

before the expiration of ten days after receiving the report of the Review Board.

80. (1) Section 130 of the Act is amended by adding the following after subsection (1):

(1.1) Before making an order under paragraph (1)(a) or a referral under paragraph (1)(c), the federal Minister and the responsible ministers shall consult the Tlicho Government if the development is to be carried out wholly or partly on Tlicho lands.

(2) Subsection 130(5) of the Act is replaced by the following:

(5) The federal Minister and responsible ministers shall carry out a decision made under this section to the extent of their respective authorities. A first nation, local government, regulatory authority or department or agency of the federal or territorial government affected by

(2) Le paragraphe 128(3) de la version française de la même loi est remplacé par ce qui suit :

(3) L'Office adresse une copie du rapport au promoteur du projet de développement, à l'organe en ayant effectué l'examen préalable et, en cas de renvoi effectué en vertu du paragraphe 126(2), au ministère, à l'organisme, à la première nation, au gouvernement tlicho ou à l'administration locale concernée.

79. L'article 129 de la même loi est remplacé par ce qui suit :

129. En cas de déclaration prévue à l'alinéa 128(1)a), l'autorité administrative, l'organisme administratif désigné chargé de délivrer les permis ou autres autorisations nécessaires à la réalisation du projet de développement ou le gouvernement tlicho, selon le cas, ne peut procéder à leur délivrance avant l'expiration d'un délai de dix jours suivant la réception de la copie du rapport d'évaluation. Si la déclaration vise un projet pour lequel un tel permis ou une telle autorisation n'est pas nécessaire en vertu d'une règle de droit fédérale ou territoriale ou d'une loi tlicho, le promoteur ne peut en entreprendre la réalisation avant l'expiration du même délai.

80. (1) L'article 130 de la même loi est modifié par adjonction, après le paragraphe (1), de ce qui suit :

(1.1) Avant de prendre la mesure visée aux alinéas (1)a) ou c), le ministre fédéral et les ministres compétents consultent le gouvernement tlicho si le projet de développement doit être réalisé — même en partie — sur les terres tlichos.

(2) Le paragraphe 130(5) de la même loi est remplacé par ce qui suit :

(5) Ces premières nations, administrations locales, autorités administratives, ministères et organismes sont tenus de se conformer à la décision ministérielle dans la mesure de leur

Copie

Copie

Delay

Effet suspensif

Consultation

Consultation du gouvernement tlicho

Effect of decision

Mise en œuvre

a decision made under this section shall act in conformity with the decision to the extent of their respective authorities.

81. The Act is amended by adding the following after section 131:

131.1 (1) If a development is to be carried out wholly or partly on Tlicho lands, the Tlicho Government shall, after considering a report of the Review Board containing a recommendation made under subparagraph 128(1)(b)(ii),

(a) adopt the recommendation or refer it back to the Review Board for further consideration; or

(b) after consulting the Review Board, adopt the recommendation with modifications or reject it.

(2) The Tlicho Government shall carry out, to the extent of its authority, any recommendation that it adopts.

(3) If the Tlicho Government considers any new information that was not before the Review Board, or any matter of public concern that was not referred to in the Review Board's reasons, the new information or matter shall be identified in the decision made under this section and in any consultation under paragraph (1)(b).

131.2 In making a decision under paragraph 130(1)(b) or subsection 131(1) or 131.1(1), the federal Minister and the responsible ministers, a designated regulatory agency or the Tlicho Government, as the case may be, shall consider the importance of the conservation of the lands, waters and wildlife of the Mackenzie Valley on which the development might have an impact.

82. Subsections 132(2) to (4) of the Act are replaced by the following:

(2) A review panel may, in addition to members of the Review Board, include as members of the panel persons having particular expertise related to the development.

(3) The members of the Review Board who participate in the appointment of a review panel must include in equal numbers

compétence. La mise en œuvre de celle-ci incombe au ministre fédéral et aux ministres compétents.

81. La même loi est modifiée par adjonction, après l'article 131, de ce qui suit :

131.1 (1) Lorsque le projet de développement doit être réalisé — même en partie — sur les terres tlichos, le gouvernement tlicho, au terme de son étude du rapport d'évaluation environnementale, accepte la recommandation faite par l'Office en vertu du sous-alinéa 128(1)(b)(ii), la lui renvoie pour réexamen ou, après l'avoir consulté, soit l'accepte avec modifications, soit la rejette.

(2) Le gouvernement tlicho est tenu, dans la mesure de sa compétence, de mettre en œuvre toute recommandation qu'il accepte.

(3) Il est tenu d'indiquer, au soutien de sa décision ou dans le cadre des consultations visées au paragraphe (1), les renseignements dont il tient compte et qui étaient inconnus de l'Office, ainsi que les questions d'intérêt public qu'il a étudiées et qui n'ont pas été soulevées par ce dernier.

131.2 Pour la prise de toute décision en vertu de l'alinéa 130(1)(b) ou des paragraphes 131(1) ou 131.1(1), le ministre fédéral et les ministres compétents, l'organisme administratif désigné ou le gouvernement tlicho, selon le cas, tiennent compte de l'importance de préserver les terres, les eaux et la faune de la vallée du Mackenzie qui peuvent être touchées par le projet de développement.

82. Les paragraphes 132(2) à (4) de la même loi sont remplacés par ce qui suit :

(2) Peuvent être membres de la formation, outre les membres de l'Office, les experts compétents en ce qui touche le projet en cause.

(3) La nomination prévue au paragraphe (1) n'est valide que si un nombre égal de membres de l'Office nommés sur la proposition d'une

Decision by
Tlicho
Government

Décision du
gouvernement
tlicho

Effect of
decision

Mise en œuvre

Additional
information

Renseignements
supplémentaires

Conservation

Préservation des
terres, des eaux
et de la faune

Expert members

Experts

Board members
to participate in
appointments

Condition de
validité de la
nomination

(a) members who were appointed on the nomination of a first nation or the Tlicho Government; and

(b) members not so appointed, other than the chairperson.

83. The Act is amended by adding the following after section 133:

133.1 The Review Board shall to the extent possible coordinate any environmental impact review conducted by a review panel of a proposal for a development that, as determined by the Review Board, is to be carried out partly outside the Mackenzie Valley with any examination of the environmental impact of that development conducted by another authority responsible for the examination of environmental effects of the part of the development to be carried out outside the Mackenzie Valley.

84. (1) Paragraph 134(1)(a) of the Act is replaced by the following:

(a) the preparation by the Review Board of terms of reference for the review panel, after consultation with the responsible ministers, with any first nation affected by the proposal and, if the Board has determined that the development is likely to have a significant adverse impact on the environment, or to be a cause of significant public concern, in Monfwi Gogha De Niitlee, with the Tlicho Government;

(2) Subsection 134(3) of the Act is replaced by the following:

(3) The report of a review panel shall be submitted to

(a) the federal Minister, who shall distribute it to every responsible minister;

(b) any designated regulatory agency from which a licence, permit or other authorization is required for the carrying out of the development; and

(c) the Tlicho Government, if the development is to be carried out wholly or partly on Tlicho lands.

85. Subsection 136(2) of the Act is replaced by the following:

première nation ou du gouvernement tlicho et de membres — autres que le président — qui ne sont pas ainsi nommés y participe.

83. La même loi est modifiée par adjonction, après l'article 133, de ce qui suit :

133.1 L'Office veille, dans la mesure du possible, à ce que l'étude d'impact relative au projet de développement devant, à son avis, être réalisé en partie à l'extérieur de la vallée du Mackenzie soit coordonnée avec tout examen des effets sur l'environnement du projet effectué par l'organisme chargé de l'examen de cette partie du projet.

84. (1) L'alinéa 134(1)a) de la même loi est remplacé par ce qui suit :

a) l'établissement, par l'Office, du mandat de sa formation après consultation de tout ministre compétent, des premières nations concernées et, si l'Office est d'avis que le projet aura vraisemblablement des répercussions négatives importantes sur l'environnement au Monfwi gogha de niitlee ou qu'il y sera vraisemblablement la cause de préoccupations importantes pour le public, du gouvernement tlicho;

(2) Le paragraphe 134(3) de la même loi est remplacé par ce qui suit :

(3) Le rapport est adressé, d'une part, au ministre fédéral, qui est tenu de le transmettre à tout ministre compétent et, d'autre part, à l'organisme administratif désigné chargé de délivrer les permis ou les autres autorisations nécessaires à la réalisation du projet. Il est également adressé au gouvernement tlicho s'il s'agit d'un projet devant être réalisé — même en partie — sur les terres tlichos.

85. Le paragraphe 136(2) de la même loi est remplacé par ce qui suit :

Coordination

Coordination de l'étude d'impact avec tout examen

Submission to ministers, agencies and Tlicho Government

Destinataires

Effect of decision

(2) The federal Minister and responsible ministers shall carry out a decision made under section 135 to the extent of their respective authorities. A first nation, local government, regulatory authority or department or agency of the federal or territorial government affected by a decision under that section shall act in conformity with the decision to the extent of their respective authorities.

(2) Ces premières nations, administrations locales, autorités administratives, ministères et organismes sont tenus de se conformer à la décision ministérielle dans la mesure de leur compétence. La mise en œuvre de celle-ci incombe au ministre fédéral et aux ministres compétents.

Mise en œuvre

86. The Act is amended by adding the following after section 137:

86. La même loi est modifiée par adjonction, après l'article 137, de ce qui suit :

Decision by Tlicho Government

137.1 (1) If a development is to be carried out wholly or partly on Tlicho lands, the Tlicho Government shall, after considering the report of a review panel,

137.1 (1) Lorsque le projet de développement doit être réalisé — même en partie — sur les terres tlichos, le gouvernement tlicho, au terme de son étude du rapport visé au paragraphe 134(2), accepte la recommandation de la formation de l'Office, la lui renvoie pour réexamen ou, après l'avoir consultée, soit l'accepte avec modifications, soit la rejette.

Décision du gouvernement tlicho

(a) adopt the recommendation of the review panel or refer it back to the panel for further consideration; or

(b) after consulting the review panel, adopt the recommendation with modifications or reject it.

(2) Le gouvernement tlicho est tenu d'indiquer, au soutien de sa décision ou dans le cadre des consultations visées au paragraphe (1), les renseignements dont il tient compte et qui étaient inconnus de la formation de l'Office, ainsi que les questions d'intérêt public qu'il a étudiées et qui n'ont pas été soulevées par celle-ci.

Renseignements supplémentaires

Additional information

(2) If the Tlicho Government considers any new information that was not before the review panel, or any matter of public concern that was not referred to in the review panel's reasons, the new information or matter shall be identified in the decision made under this section and in any consultation under paragraph (1)(b).

Effect of decision

(3) The Tlicho Government shall carry out, to the extent of its authority, any recommendation that it adopts.

(3) Il est tenu, dans la mesure de sa compétence, de mettre en œuvre toute recommandation qu'il accepte.

Mise en œuvre

Conservation

137.2 In making a decision under subsection 135(1), 137(1) or 137.1(1), the federal Minister and the responsible ministers, a designated regulatory agency or the Tlicho Government, as the case may be, shall consider the importance of the conservation of the lands, waters and wildlife of the Mackenzie Valley on which the development might have an impact.

137.2 Pour la prise de toute décision en vertu des paragraphes 135(1), 137(1) ou 137.1(1), le ministre fédéral et les ministres compétents, l'organisme administratif désigné ou le gouvernement tlicho, selon le cas, tiennent compte de l'importance de préserver les terres, les eaux et la faune de la vallée du Mackenzie qui peuvent être touchées par le projet de développement.

Préservation des terres, des eaux et de la faune

Consultation

137.3 Before making a decision under subsection 135(1), 137(1) or 137.1(1) in respect of a proposal for a development that, as determined by the Review Board, is to be carried out partly outside the Mackenzie Valley, the person or body making the decision shall take into consideration any report in respect of the

137.3 Avant de prendre leur décision aux termes des paragraphes 135(1), 137(1) ou 137.1(1) à l'égard d'un projet de développement devant, selon l'Office, être réalisé en partie à l'extérieur de la vallée du Mackenzie, les personnes ou organismes concernés tiennent compte de tout rapport de la commission établie

Consultation de toute autorité responsable

proposal that is submitted by a review panel established under the *Canadian Environmental Assessment Act* and shall consult every responsible authority to whom the report is submitted under that Act.

87. Sections 138 and 139 of the Act are replaced by the following:

138. (1) A review panel established under subsection 40(2.1) of the *Canadian Environmental Assessment Act* in respect of a proposal for a development that was referred pursuant to paragraph 130(1)(c) of this Act shall, in addition to satisfying the requirements of paragraph 41(f) of that Act, submit the report of its recommendations to

- (a) the federal Minister, who shall distribute it to every responsible minister;
- (b) any designated regulatory agency from which a licence, permit or other authorization is required for the carrying out of the development; and
- (c) the Tlicho Government, if the development is to be carried out wholly or partly on Tlicho lands.

(2) An examination by a review panel referred to in subsection (1) stands in lieu of an environmental impact review and paragraphs 134(1)(b), (d) and (e) and sections 135 to 137.2 apply, with such modifications as may be required, in respect of the examination, except that a recommendation of a panel may not be referred back to the panel for further consideration.

138.1 (1) If a proposal for a development that, as determined by the Review Board, is to be carried out partly outside the Mackenzie Valley and either is to be carried out partly in Wekeezhii or might have an impact on the environment in Wekeezhii is referred to the Minister of the Environment under paragraph 130(1)(c), then the Review Board shall enter into an agreement with the Minister of the Environment for the purpose of jointly establishing a review panel and prescribing the manner of its examination of the impact on

en vertu de la *Loi canadienne sur l'évaluation environnementale* concernant le projet et consultent toute autorité responsable qui doit recevoir un rapport aux termes de cette loi.

87. Les articles 138 et 139 de la même loi sont remplacés par ce qui suit :

138. (1) Outre ce qui est prévu à l'alinéa 41f) de la *Loi canadienne sur l'évaluation environnementale*, la commission constituée sous le régime du paragraphe 40(2.1) de cette loi, à la suite du renvoi effectué en vertu de l'alinéa 130(1)c) de la présente loi, adresse son rapport, d'une part, au ministre fédéral, qui est tenu de le transmettre à tout ministre compétent, et, d'autre part, à tout organisme administratif désigné chargé de délivrer les permis ou autorisations nécessaires à la réalisation du projet en question. Elle adresse également le rapport au gouvernement tlicho s'il s'agit d'un projet devant être réalisé — même en partie — sur les terres tlichos.

(2) L'examen effectué par cette commission tient lieu d'étude d'impact. À cet égard, les alinéas 134(1)b), d) et e) et les articles 135 à 137.2 s'appliquent, avec les adaptations nécessaires, sauf que la recommandation ne peut être renvoyée à la commission pour réexamen.

138.1 (1) Si le ministre de l'Environnement a été saisi, en vertu de l'alinéa 130(1)c), d'un projet de développement devant, selon l'Office, être réalisé en partie à l'extérieur de la vallée du Mackenzie et soit être réalisé en partie au Wekeezhii, soit être susceptible d'y avoir des répercussions sur l'environnement, l'Office doit conclure avec celui-ci un accord établissant une commission conjointe et régissant l'examen des répercussions environnementales du projet conformément au paragraphe 40(2.1) de la *Loi canadienne sur l'évaluation environnementale*.

Report by review panel — national interest referral

Rapport de la commission après un renvoi dans l'intérêt national

Provisions applicable

Application de certaines dispositions

Agreement — national interest referral

Accord après un renvoi dans l'intérêt national

the environment of the development in accordance with subsection 40(2.1) of the *Canadian Environmental Assessment Act*.

Mediation

(2) If the Review Board and the Minister of the Environment have not entered into an agreement under subsection (1) within the period fixed by any regulations, they shall participate in mediation in accordance with those regulations for the purpose of reaching an agreement under subsection (1).

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(2) L'Office et le ministre de l'Environnement participent à toute médiation prévue par règlement s'ils n'ont pas conclu un tel accord dans le délai réglementaire.

Médiation

Arbitration

(3) If the Review Board and the Minister of the Environment have not entered into an agreement under subsection (1) by the end of any mediation required under subsection (2), they may, within the period fixed by any regulations, by mutual agreement refer any unresolved matter to arbitration in accordance with those regulations.

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(3) Ils peuvent s'entendre pour soumettre à tout arbitrage prévu par règlement, dans le délai réglementaire, toute question non résolue s'ils n'ont pas conclu d'accord au terme de la médiation.

5 Arbitrage

Where no agreement

(4) Despite subsections (1) to (3), if, within the period fixed by the regulations, an agreement has not been entered into under this section, a panel of the Review Board shall conduct an environmental impact review of the development, but the review shall be limited to the part of the development to be carried out in the Mackenzie Valley.

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(4) Malgré les paragraphes (1) à (3), faute de conclusion, dans le délai réglementaire, de l'accord prévu au présent article, une formation de l'Office réalise une étude d'impact qui ne porte que sur les parties du projet devant être réalisées dans la vallée du Mackenzie.

10 Portée de l'étude d'impact en l'absence d'un accord

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Agreement — designated regulatory agency

139. (1) Where an environmental impact review of a proposal for a development that, as determined by the Review Board, is to be carried out wholly in the Mackenzie Valley, other than a development that has been referred to the Minister of the Environment under paragraph 130(1)(c), is ordered under this Part, and a licence, permit or other authorization must be issued by a designated regulatory agency in order for the proposed development to be carried out, the Review Board and the agency may enter into an agreement for the examination of the impact of the development on the environment by a joint panel established for that purpose.

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139. (1) Dans les cas où une étude d'impact a été ordonnée en vertu de la présente partie, l'Office et l'organisme administratif désigné chargé de délivrer les permis ou autres autorisations nécessaires à la réalisation du projet de développement devant, selon l'Office, être réalisé entièrement dans la vallée du Mackenzie, mais à l'exclusion d'un projet de développement dont le ministre de l'Environnement a été saisi en vertu de l'alinéa 130(1)c), peuvent conclure une entente visant l'examen des répercussions environnementales du projet par une formation conjointe mise sur pied à cette fin.

Entente avec l'organisme administratif désigné

Report to ministers, agencies and Tlicho Government

(2) A joint panel so established shall make a report of its examination to

(a) the federal Minister, who shall distribute it to every responsible minister;

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(2) La formation conjointe adresse son rapport, d'une part, au ministre fédéral, qui est tenu de le transmettre à tout ministre compétent, et, d'autre part, à tout organisme administratif désigné chargé de délivrer les permis ou autorisations visés au paragraphe (1). Elle adresse

30 Rapport de la formation conjointe

(b) any designated regulatory agency from which a licence, permit or other authorization is required for the carrying out of the development; and

(c) the Tlicho Government, if the development is to be carried out wholly or partly on Tlicho lands.

Provisions applicable

(3) An examination by a joint panel established under this section stands in lieu of an environmental impact review and paragraphs 134(1)(b), (d) and (e) and sections 135 to 137.2 apply, with such modifications as may be required, in respect of the examination, except that a recommendation of a panel may not be referred back to the panel for further consideration.

également le rapport au gouvernement tlicho s'il s'agit d'un projet devant être réalisé — même en partie — sur les terres tlichos.

(3) L'examen effectué par une telle formation tient lieu d'étude d'impact. À cet égard, les alinéas 134(1)b), d) et e) et les articles 135 à 137.2 s'appliquent, avec les adaptations nécessaires, sauf que la recommandation ne peut être renvoyée à la formation conjointe pour réexamen.

Application de certaines dispositions

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88. Subsections 140(2) to (4) of the Act are replaced by the following:

Agreement — other authority

(2) Where the Review Board has determined that a development referred to in subsection (1), other than a development that has been referred to the Minister of the Environment under paragraph 130(1)(c), is likely to have a significant adverse impact on the environment in a region outside the Mackenzie Valley, the Review Board may, with the approval of the federal Minister, enter into an agreement with the authority responsible for the examination of environmental effects in that region to provide for

(a) the coordination of the respective examinations of the environmental impact of the development; or

(b) the examination of the environmental impact of the development by a joint panel established for that purpose.

(3) A joint panel established under subsection (2) shall make a report of its recommendations to

(a) the federal Minister, who shall distribute it to every responsible minister;

(b) any designated regulatory agency from which a licence, permit or other authorization is required for the carrying out of the development; and

Report to ministers, agencies and Tlicho Government

88. Les paragraphes 140(2) à (4) de la même loi sont remplacés par ce qui suit :

(2) Dans les cas où, selon l'Office, le projet de développement visé au paragraphe (1), autre qu'un projet de développement dont le ministre de l'Environnement a été saisi en vertu de l'alinéa 130(1)c), aura vraisemblablement des répercussions négatives importantes sur l'environnement dans une région située à l'extérieur de la vallée du Mackenzie, l'Office peut, avec l'agrément du ministre fédéral, conclure avec l'organisme compétent en matière d'examen des effets sur l'environnement dans cette région une entente visant soit la coordination de leurs activités en ce qui touche l'examen des répercussions environnementales du projet, soit l'examen de ces répercussions par une formation conjointe mise sur pied à cette fin.

Entente avec l'organisme compétent

(3) La formation conjointe mise sur pied sous le régime d'une telle entente adresse son rapport, d'une part, au ministre fédéral, qui est tenu de le transmettre à tout ministre compétent, et, d'autre part, à tout organisme administratif désigné chargé de délivrer les permis ou autres autorisations nécessaires à la réalisation du projet de développement en question. Elle adresse également le rapport au gouvernement tlicho s'il s'agit d'un projet devant être réalisé — même en partie — sur les terres tlichos.

Rapport de la formation conjointe

(c) the Tlicho Government, if the development is to be carried out wholly or partly on Tlicho lands.

Provisions applicable

(4) An examination by a joint panel established under subsection (2) stands in lieu of an environmental impact review of the proposal and paragraphs 134(1)(b), (d) and (e) and sections 135 to 137.2 apply, with such modifications as may be required, in respect of the examination, except that a recommendation of a panel may not be referred back to the panel for further consideration.

(4) L'examen effectué par cette formation conjointe tient lieu d'étude d'impact. À cet égard, les alinéas 134(1)(b), (d) et (e) et les articles 135 à 137.2 s'appliquent, avec les adaptations nécessaires, sauf que la recommandation ne peut être renvoyée à la formation conjointe pour réexamen.

Application de certaines dispositions

89. (1) The portion of subsection 141(2) of the Act before paragraph (a) is replaced by the following:

89. (1) Le passage du paragraphe 141(2) de la même loi précédant l'alinéa a) est remplacé par ce qui suit :

Agreement — cases other than Wekeezhii

(2) If an environmental impact review is ordered under subparagraph 128(1)(b)(i), paragraph 128(1)(c) or 130(1)(a), subparagraph 130(1)(b)(ii) or paragraph 131(1)(b) in respect of a proposal for a development referred to in subsection (1), other than a development referred to in subsection (3), the Review Board may, with the approval of the federal Minister,

(2) Si une étude d'impact a été ordonnée en vertu du sous-alinéa 128(1)(b)(i), des alinéas 128(1)(c) ou 130(1)(a) ou b) ou du paragraphe 131(1) à l'égard d'un projet visé au paragraphe (1) mais non visé au paragraphe (3), l'Office peut, avec l'agrément du ministre fédéral :

Accord ou entente — projet ne concernant pas le Wekeezhii

1998, c. 15, par. 48(e); 2002, c. 7, s. 206(2)(E)

(2) Subsections 141(3) to (5) of the Act are replaced by the following:

(2) Les paragraphes 141(3) à (5) de la même loi sont remplacés par ce qui suit :

1998, ch. 15, al. 48e); 2002, ch. 7, par. 206(2)(A)

Agreement — Wekeezhii

(3) If an environmental impact review is ordered under subparagraph 128(1)(b)(i), paragraph 128(1)(c) or 130(1)(a), subparagraph 130(1)(b)(ii) or paragraph 131(1)(b) in respect of a proposal for a development that, as determined by the Review Board, is to be carried out partly outside the Mackenzie Valley and either is to be carried out partly in Wekeezhii or might have an impact on the environment in Wekeezhii, the Review Board shall enter into an agreement for the purpose of jointly establishing a review panel and prescribing the manner of its examination of the impact on the environment of the development

(3) Si une étude d'impact a été ordonnée en vertu du sous-alinéa 128(1)(b)(i), des alinéas 128(1)(c) ou 130(1)(a) ou b) ou du paragraphe 131(1) à l'égard d'un projet de développement devant, selon l'Office, être réalisé en partie à l'extérieur de la vallée du Mackenzie et soit être réalisé en partie au Wekeezhii, soit être susceptible d'y avoir des répercussions sur l'environnement, l'Office doit conclure :

Accord — projet en partie au Wekeezhii ou susceptible d'y avoir des répercussions

(a) with an authority responsible for the examination of environmental effects of the part of the development that is to be carried out outside the Mackenzie Valley; or

a) avec l'organisme chargé, pour la partie du projet devant être réalisée à l'extérieur de la vallée du Mackenzie, de l'examen des effets sur l'environnement, un accord établissant une formation conjointe et régissant l'examen des répercussions environnementales du projet effectué par celle-ci;

b) avec le ministre de l'Environnement, un accord établissant une commission conjointe et régissant l'examen des répercussions environnementales du projet effectué par celle-ci, dans les cas où le ministre est

	(b) with the Minister of the Environment if that Minister is authorized under section 40 of the <i>Canadian Environmental Assessment Act</i> to enter into such an agreement.	habilité à conclure un accord en vertu de l'article 40 de la <i>Loi canadienne sur l'évaluation environnementale</i> .	
Where no agreement	(4) Despite subsection (3), if, within the period fixed by the regulations, an agreement has not been entered into under that subsection, a panel of the Review Board shall conduct an environmental impact review of the development, but the review shall be limited to the part of the development to be carried out in the Mackenzie Valley.	(4) Malgré le paragraphe (3), faute de conclusion, dans le délai réglementaire, de l'accord prévu par ce paragraphe, une formation de l'Office réalise une étude d'impact qui ne porte que sur les parties du projet devant être réalisées dans la vallée du Mackenzie.	Portée de l'étude d'impact en l'absence d'un accord
Report	(5) A review panel or joint panel established by an agreement referred to in subsection (2) or (3) shall make a report of its examination to (a) the federal Minister, who shall distribute it to every responsible minister; (b) any designated regulatory agency from which a licence, permit or other authorization is required for the carrying out of the development; (c) in the case of a joint panel referred to in paragraph (2)(b) or (3)(a), the minister of the federal, provincial or territorial government having jurisdiction in relation to examinations conducted by the authority referred to in that paragraph; and (d) the Tlicho Government, if the development is to be carried out partly on Tlicho lands.	(5) La formation conjointe ou la commission conjointe adresse son rapport, d'une part, au ministre fédéral, qui est tenu de le transmettre à tout ministre compétent, et, d'autre part, à tout organisme administratif désigné chargé de délivrer les permis ou autres autorisations nécessaires à la réalisation du projet de développement en question. Elle adresse également le rapport au gouvernement tlicho s'il s'agit d'un projet devant être réalisé en partie sur les terres tlichos. Dans les cas d'entente ou d'accord visé à l'alinéa (2)b) ou (3)a), le rapport est en outre adressé au ministre des gouvernements fédéral, provincial ou territorial ayant compétence en ce qui touche l'examen effectué par l'organisme en question.	Rapport de la formation conjointe ou de la commission conjointe
Provisions applicable	(6) An examination by a review panel or joint panel referred to in subsection (2) or (3) stands in lieu of an environmental impact review of the proposal referred to in that subsection and paragraphs 134(1)(b), (d) and (e) and sections 135 to 137.2 apply, with such modifications as may be required, in respect of the examination, except that a recommendation of a panel may not be referred back to the panel for further consideration.	(6) L'examen effectué par la formation conjointe ou la commission conjointe tient lieu d'étude d'impact. À cet égard, les alinéas 134(1)b), d) et e) et les articles 135 à 137.2 s'appliquent, avec les adaptations nécessaires, sauf que la recommandation ne peut être renvoyée à la formation conjointe ou à la commission conjointe pour réexamen.	Application de certaines dispositions
Regulations	90. (1) The portion of subsection 143(1) of the Act before paragraph (a) is replaced by the following: 143. (1) The Governor in Council may, following consultation by the federal Minister with the territorial Minister, first nations and the	90. (1) Le passage du paragraphe 143(1) de la même loi précédant l'alinéa a) est remplacé par ce qui suit: 143. (1) Le gouverneur en conseil peut, par règlement, après consultation par le ministre fédéral du ministre territorial, des premières	Pouvoir réglementaire

Tlicho Government, make regulations for carrying out the purposes and provisions of this Part and, in particular, regulations

nations et du gouvernement tlicho, prendre les mesures d'application de la présente partie et, notamment :

(2) Subsection 143(1) of the Act is amended by striking out the word "and" at the end of paragraph (c) and by adding the following after paragraph (d):

(2) Le paragraphe 143(1) de la même loi est modifié par adjonction, après l'alinéa d), de ce qui suit :

(e) fixing a period for the purposes of subsection 138.1(2) and respecting mediation referred to in that subsection;

e) régir la médiation visée au paragraphe 138.1(2) et fixer le délai prévu par ce paragraphe;

(f) fixing the period within which a matter may be referred to arbitration under subsection 138.1(3) and respecting arbitration under that subsection; and

f) régir l'arbitrage visé au paragraphe 138.1(3) et fixer le délai prévu par ce paragraphe;

(g) fixing a period for the purposes of subsections 138.1(4) and 141(4).

g) fixer le délai prévu par les paragraphes 138.1(4) et 141(4).

(3) Subsection 143(2) of the Act is replaced by the following:

(3) Le paragraphe 143(2) de la même loi est remplacé par ce qui suit :

(2) Regulations may only be made under paragraph (1)(a), (d), (e), (f) or (g), or amended under paragraph (1)(b) or (c), following consultation by the federal Minister with the Review Board.

(2) La prise de tout règlement en vertu des alinéas (1)a) et d) à g) et la modification des règlements pris en vertu des alinéas b) et c) sont en outre subordonnées à la consultation, par le ministre fédéral, de l'Office.

Consultation with Review Board

Consultation de l'Office

91. Subsection 144(1) of the Act is replaced by the following:

91. Le paragraphe 144(1) de la même loi est remplacé par ce qui suit :

144. (1) The Governor in Council may, by regulations made following consultation by the federal Minister with the territorial Minister, the Review Board, the first nations and the Tlicho Government, amend the schedule by adding, or by deleting, the name of any agency, other than a land and water board established by Part 3 or 4, that exercises regulatory powers pursuant to territorial or federal laws and that is not subject to specific control or direction by a minister of the federal or territorial government or the Governor in Council.

144. (1) Le gouverneur en conseil peut, par règlement pris après consultation, par le ministre fédéral, du ministre territorial, de l'Office, des premières nations et du gouvernement tlicho, modifier l'annexe afin d'y ajouter ou d'y supprimer le nom de tout organisme — exception faite des offices constitués en vertu des parties 3 ou 4 — auquel sont conférés, sous le régime des règles de droit fédérales ou territoriales, des pouvoirs de régulation et qui n'est pas assujéti à des mesures de contrôle ou d'orientation spécifiques d'un ministre des gouvernements fédéral ou territorial ou du gouverneur en conseil.

Schedule

Modification de l'annexe

92. Section 147 of the Act is replaced by the following:

92. L'article 147 de la même loi est remplacé par ce qui suit :

147. (1) A responsible authority that is a minister of the Crown in right of Canada shall carry out the functions referred to in section 146 in consultation with the first nations and the Tlicho Government.

147. (1) Dans les cas où les attributions d'une autorité compétente sont exercées par un ministre du gouvernement fédéral, celui-ci est tenu de les exercer en collaboration avec les premières nations et le gouvernement tlicho.

Consultation with first nations and Tlicho Government

Collaboration des premières nations et du gouvernement tlicho

Role of first nations and Tlicho Government

(2) Where a responsible authority is other than a minister of the Crown in right of Canada, the Gwich'in and Sahtu First Nations and the Tlicho Government are entitled to participate in the functions referred to in section 146 in the manner provided by the regulations.

(2) Dans les cas où ces attributions sont conférées à toute autre personne ou organisme, les premières nations des Gwich'in et du Sahtu et le gouvernement tlicho participent à leur exercice en conformité avec les règlements.

Participation des premières nations et du gouvernement tlicho

93. (1) Subsection 148(2) of the Act is replaced by the following:

93. (1) Le paragraphe 148(2) de la même loi est remplacé par ce qui suit :

Terms of reference

(2) The federal Minister shall, after consulting the Gwich'in First Nation, the Sahtu First Nation, the Tlicho Government and the territorial government, fix the terms of reference of an environmental audit, including the key components of the environment to be examined.

(2) Le ministre fédéral établit, après consultation des premières nations des Gwich'in et du Sahtu, du gouvernement tlicho et du gouvernement territorial, le mandat du vérificateur; il y précise notamment les principales composantes de l'environnement à examiner.

Mandat

(2) Subsection 148(5) of the Act is replaced by the following:

(2) Le paragraphe 148(5) de la même loi est remplacé par ce qui suit :

Participation by first nations and Tlicho Government

(5) The Gwich'in and Sahtu First Nations and the Tlicho Government are entitled to participate in an environmental audit in the manner provided by the regulations.

(5) Les premières nations des Gwich'in et du Sahtu et le gouvernement tlicho participent au processus de vérification en conformité avec les règlements.

Participation des premières nations et du gouvernement tlicho

94. (1) The portion of section 150 of the Act before paragraph (a) is replaced by the following:

94. (1) Le passage de l'article 150 de la même loi précédant l'alinéa a) est remplacé par ce qui suit :

Regulations

150. The Governor in Council may, after consultation by the federal Minister with affected first nations, the Tlicho Government and the territorial Minister, make regulations for carrying out the purposes and provisions of this Part and, in particular, regulations

150. Le gouverneur en conseil peut, après consultation par le ministre fédéral des premières nations concernées, du gouvernement tlicho et du ministre territorial, prendre des règlements pour l'application de la présente partie, notamment en ce qui touche :

Règlements

(2) Paragraph 150(c) of the Act is replaced by the following:

(2) L'alinéa 150c) de la même loi est remplacé par ce qui suit :

(c) respecting the manner of participation of the Gwich'in and Sahtu First Nations and the Tlicho Government in the functions of a responsible authority that is not a minister of the Crown or in an environmental audit.

c) la participation des premières nations des Gwich'in et du Sahtu et du gouvernement tlicho soit à l'exercice des attributions d'une autorité compétente — dans les cas où celles-ci n'ont pas été conférées à un ministre du gouvernement fédéral —, soit au processus de vérification.

TRANSITIONAL PROVISIONS

DISPOSITIONS TRANSITOIRES

Wekeezhii Land and Water Board

95. (1) The Wekeezhii Land and Water Board established by section 57.1 of the Mackenzie Valley Resource Management Act, as enacted by section 31 of this Act, may not exercise its powers or perform its duties under sections 58.1 and 59, subsections 60(1)

95. (1) L'Office des terres et des eaux du Wekeezhii constitué par l'article 57.1 de la Loi sur la gestion des ressources de la vallée du Mackenzie, édicté par l'article 31 de la présente loi, ne peut exercer, pour une période de six mois suivant l'entrée en

Non-exercice par l'office du Wekeezhii de ses attributions

and (2), sections 79.1 to 79.3, 80.1 and 88 and subsection 89(2) of the *Mackenzie Valley Resource Management Act* until six months after the coming into force of this Act.

Mackenzie
Valley Land and
Water Board

(2) Despite subsection 102(1) of the *Mackenzie Valley Resource Management Act*, the Mackenzie Valley Land and Water Board shall exercise the powers and perform the duties of the Wekeezhii Land and Water Board under sections 58.1, 79.1 to 79.3, 80.1 and 88 and subsection 89(2) of that Act during the period of six months after the coming into force of this Act.

Exclusive
original
jurisdiction

(3) Despite subsection 32(1) of the *Mackenzie Valley Resource Management Act* and section 18 of the *Federal Courts Act*, the Supreme Court of the Northwest Territories has exclusive original jurisdiction to hear and determine any action or proceeding, whether or not by way of an application of a type referred to in subsection 32(1) of the *Mackenzie Valley Resource Management Act*, concerning the jurisdiction of the Wekeezhii Land and Water Board during the period of six months after the coming into force of this Act.

Validity of
ordinances of the
Northwest
Territories

96. The following ordinances of the Northwest Territories are deemed for all purposes to have been validly made if they were made before the coming into force of this Act and would have been validly made if they had been made after that coming into force, and everything done under any of those ordinances before that coming into force has the effect that it would otherwise have if the ordinance had been validly made after that coming into force:

(a) the ordinance of the Northwest Territories entitled the *Tlicho Land Claims and Self-Government Agreement Act*;

(b) an ordinance that establishes community governments as required by chapter 8 of the Agreement; and

vigueur de celle-ci, les attributions visées aux articles 58.1 et 59, aux paragraphes 60(1) et (2), aux articles 79.1 à 79.3, 80.1 et 88 et au paragraphe 89(2) de la *Loi sur la gestion des ressources de la vallée du Mackenzie*.

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Attributions de
l'office du
Wekeezhii
exercées par un
autre office

(2) Pendant cette période, malgré le paragraphe 102(1) de la *Loi sur la gestion des ressources de la vallée du Mackenzie*, l'Office des terres et des eaux de la vallée du Mackenzie exerce les attributions conférées à l'Office des terres et des eaux du Wekeezhii au titre des articles 58.1, 79.1 à 79.3, 80.1 et 88 et du paragraphe 89(2) de cette loi.

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(3) Pendant cette période, malgré le paragraphe 32(1) de la *Loi sur la gestion des ressources de la vallée du Mackenzie* et l'article 18 de la *Loi sur les Cours fédérales*, la Cour suprême des Territoires du Nord-Ouest a compétence exclusive en première instance pour connaître de toute question relative à la compétence de l'Office des terres et des eaux du Wekeezhii, qu'elle soit soulevée ou non par une demande du même type que celle visée à ce paragraphe.

Compétence
exclusive

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96. Sont validées les ordonnances — celle intitulée *Loi sur l'accord sur les revendications territoriales et l'autonomie gouvernementale du peuple tlicho*, celle constituant les administrations communautaires visées au chapitre 8 de l'Accord et celle constituant une agence de services communautaires comme le prévoit la première entente de services intergouvernementale visée à la section 7.10 de l'Accord — qui ont été prises avant l'entrée en vigueur de la présente loi et qui auraient été valides si elles avaient été prises après son entrée en vigueur ainsi que toute mesure prise avant cette entrée en vigueur sur le fondement de ces ordonnances.

Validité des
ordonnances des
Territoires du
Nord-Ouest

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(c) an ordinance that establishes a community services agency as required by the first intergovernmental services agreement referred to in 7.10 of chapter 7 of the Agreement.

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CONSEQUENTIAL AMENDMENTS

MODIFICATIONS CORRÉLATIVES

R.S., c. A-1

ACCESS TO INFORMATION ACT

LOI SUR L'ACCÈS À L'INFORMATION

L.R., ch. A-1

2000, c. 7,
s. 21(2)

97. Subsection 13(3) of the *Access to Information Act* is replaced by the following:

97. Le paragraphe 13(3) de la *Loi sur l'accès à l'information* est remplacé par ce qui suit :

2000, ch. 7,
par. 21(2)Definition of
"aboriginal
government"

(3) The expression "aboriginal government" in paragraph (1)(e) means

(3) L'expression « gouvernement autochtone » à l'alinéa (1)e) s'entend :

5 Définition de
« gouvernement
autochtone »

(a) Nisga'a Government, as defined in the 10 *Nisga'a Final Agreement* given effect by the *Nisga'a Final Agreement Act*; or

a) du gouvernement nisga'a, au sens de l'Accord définitif nisga'a mis en vigueur par la *Loi sur l'Accord définitif nisga'a*;

(b) the Tlicho Government, as defined in section 2 of the *Tlicho Land Claims and Self-Government Act*.

b) du gouvernement tlicho, au sens de l'article 2 de la *Loi sur les revendications 10 territoriales et l'autonomie gouvernementale du peuple tlicho*.

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R.S., c. L-6

CANADA LANDS SURVEYS ACT

LOI SUR L'ARPENTAGE DES TERRES DU CANADA

L.R., ch. L-6

98. Paragraph 24(1)(a) of the *Canada Lands Surveys Act* is amended by striking out the word "or" at the end of subparagraph (iv), by replacing the word "and" at the end of subparagraph (v) with the word 20 "or" and by adding the following after subparagraph (v):

98. L'alinéa 24(1)a) de la *Loi sur l'arpentage des terres du Canada* est modifié par adjonction, après le sous-alinéa (v), de ce qui 15 suit :

(vi) Tlicho lands, as defined in section 2 of the *Mackenzie Valley Resource Management Act*; and

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(vi) soit des terres tlichos, au sens de l'article 2 de la *Loi sur la gestion des ressources de la vallée du Mackenzie*;

1992, c. 37

CANADIAN ENVIRONMENTAL ASSESSMENT ACT

LOI CANADIENNE SUR L'ÉVALUATION ENVIRONNEMENTALE

1992, ch. 37

99. Section 40 of the *Canadian Environmental Assessment Act* is amended by adding the following after subsection (2.1):

99. L'article 40 de la *Loi canadienne sur 20 l'évaluation environnementale* est modifié par adjonction, après le paragraphe (2.1), de ce qui suit :

Where no
agreement

(2.2) Despite subsection (2.1), if, in respect of a proposal referred to in subsection 138.1(1) 30 of the *Mackenzie Valley Resource Management Act*, no agreement is entered into under that subsection within the period fixed by the

(2.2) Malgré le paragraphe (2.1), faute de 25 conclusion, dans le délai réglementaire prévu au paragraphe 138.1(4) de la *Loi sur la gestion des ressources de la vallée du Mackenzie*, de

Examen par une
commission en
l'absence d'un
accord

regulations referred to in subsection 138.1(4) of that Act, an assessment by a review panel of the proposal shall be conducted.

Coordination

(2.3) The Minister shall to the extent possible ensure that any assessment of the proposal required by subsection (2.2) is coordinated with any environmental impact review of the proposal under the *Mackenzie Valley Resource Management Act*.

l'accord prévu au paragraphe 138.1(1) de cette loi, le projet visé à ce paragraphe fait l'objet d'un examen par une commission.

(2.3) Le ministre veille, dans la mesure du possible, à ce que l'examen visé au paragraphe (2.2) soit coordonné avec toute étude d'impact du projet effectuée en vertu de la *Loi sur la gestion des ressources de la vallée du Mackenzie*.

Coordination de l'examen avec toute étude d'impact

Consultation

(2.4) Before taking a course of action under subsection 37(1) in respect of a proposal referred to in subsection (2.3), the responsible authority shall take into consideration any report in respect of the proposal that is issued under subsection 134(2) of the *Mackenzie Valley Resource Management Act* and shall consult the persons and bodies to whom the report is submitted or distributed under subsection 134(3) of that Act.

(2.4) Avant de prendre la décision visée au paragraphe 37(1) à l'égard du projet visé au paragraphe (2.3), l'autorité responsable tient compte de tout rapport établi en vertu du paragraphe 134(2) de la *Loi sur la gestion des ressources de la vallée du Mackenzie* à l'égard du projet et consulte les personnes et organismes qui doivent recevoir le rapport aux termes du paragraphe 134(3) de cette loi.

Consultation

R.S., c. 44
(4th Supp.)

LOBBYISTS REGISTRATION ACT

LOI SUR L'ENREGISTREMENT DES LOBBYISTES

L.R., ch. 44
(4^e suppl.)

100. Subsection 4(1) of the *Lobbyists Registration Act* is amended by adding the following after paragraph (d.2):

(d.3) members or employees of the Tlicho Government, as defined in section 2 of the *Tlicho Land Claims and Self-Government Act*, or persons on the staff of those members;

100. Le paragraphe 4(1) de la *Loi sur l'enregistrement des lobbyistes* est modifié par adjonction, après l'alinéa d.2), de ce qui suit :

d.3) les membres — et leur personnel — ou les employés du gouvernement tlicho, au sens de l'article 2 de la *Loi sur les revendications territoriales et l'autonomie gouvernementale du peuple tlicho*;

R.S., c. N-27

NORTHWEST TERRITORIES ACT

LOI SUR LES TERRITOIRES DU NORD-OUEST

L.R., ch. N-27

101. The *Northwest Territories Act* is amended by adding the following after section 16:

16.1 Ordinances made by the Commissioner in Council under paragraph 16(o) apply to roads identified in the Agreement, as defined in section 2 of the *Tlicho Land Claims and Self-Government Act*, as if they were on public lands if the Agreement provides that those ordinances apply to those roads.

101. La *Loi sur les Territoires du Nord-Ouest* est modifiée par adjonction, après l'article 16, de ce qui suit :

16.1 Les ordonnances prises par le commissaire en conseil en vertu de l'alinéa 16o) s'appliquent aux routes visées dans l'Accord au sens de l'article 2 de la *Loi sur les revendications territoriales et l'autonomie gouvernementale du peuple tlicho* comme si elles étaient situées sur les terres domaniales, si l'Accord prévoit que les ordonnances s'appliquent à ces routes.

Routes visées dans l'Accord

Roads identified in Tlicho Land Claims and Self-Government Agreement

102. The Act is amended by adding the following after section 17:

102. La même loi est modifiée par adjonction, après l'article 17, de ce qui suit :

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Agreement
implementation
Acts

17.1 Despite section 17, the Commissioner in Council may, in exercising the powers of the Commissioner in Council under section 16 for the purpose of implementing the Agreement, as defined in section 2 of the *Tlicho Land Claims and Self-Government Act*, make ordinances that are in relation to the matters coming within class 24 of section 91 of the *Constitution Act, 1867*.

17.1 Malgré l'article 17, le commissaire en conseil peut, dans l'exercice des pouvoirs qui lui sont conférés par l'article 16, prendre des ordonnances concernant les matières visées au point 24 de l'article 91 de la *Loi constitutionnelle de 1867* en vue de mettre en œuvre l'Accord au sens de l'article 2 de la *Loi sur les revendications territoriales et l'autonomie gouvernementale du peuple tlicho*.

Lois de mise en
œuvre de
l'Accord

1992, c. 39

NORTHWEST TERRITORIES WATERS ACT

LOI SUR LES EAUX DES TERRITOIRES DU
NORD-OUEST

1992, ch. 39

103. The *Northwest Territories Waters Act* is amended by adding the following after section 9:

103. La *Loi sur les eaux des Territoires du Nord-Ouest* est modifiée par adjonction, après l'article 9, de ce qui suit :

TLICHO COMMUNITIES

COLLECTIVITÉS TLICHOS

Exemption

9.1 (1) Sections 8 and 9 do not apply in respect of a use of waters or a deposit of waste in a Tlicho community, if the local government of that community has enacted a bylaw providing that a licence is not required for that type of use or deposit.

9.1 (1) Les articles 8 et 9 ne s'appliquent pas à l'égard de l'utilisation des eaux ou du dépôt de déchets dans une collectivité tlicho si un règlement municipal établi par l'administration locale de cette collectivité prévoit, à l'égard du type d'utilisation ou de dépôt projeté, qu'il n'est pas requis d'obtenir un permis.

Exception

Same meaning

(2) The expressions "Tlicho community" and "local government" in subsection (1) have the same meaning as in section 2 of the *Mackenzie Valley Resource Management Act*.

(2) Au paragraphe (1), les expressions « administration locale » et « collectivité tlicho » s'entendent au sens de l'article 2 de la *Loi sur la gestion des ressources de la vallée du Mackenzie*.

Terminologie

104. Section 14 of the Act is amended by adding the following after subsection (6):

104. L'article 14 de la même loi est modifié par adjonction, après le paragraphe (6), de ce qui suit :

Statutory
Instruments Act

(7) For greater certainty, licences issued by the Board under this Act either before or after the coming into force of this subsection are not statutory instruments within the meaning of the *Statutory Instruments Act*.

(7) Il est entendu que les permis délivrés par l'Office sous le régime de la présente loi, avant ou après l'entrée en vigueur du présent paragraphe, ne sont pas des textes réglementaires au sens de la *Loi sur les textes réglementaires*.

Loi sur les textes
réglementairesR.S., c. M-13;
2000, c. 8, s. 2

PAYMENTS IN LIEU OF TAXES ACT

LOI SUR LES PAIEMENTS VERSÉS EN
REMPACEMENT D'IMPÔTSL.R., ch. M-13;
2000, ch. 8, art. 2

105. The definition "taxing authority" in subsection 2(1) of the *Payments in Lieu of Taxes Act* is amended by striking out the word "or" at the end of paragraph (e), by adding the word "or" at the end of paragraph (f) and by adding the following after paragraph (f):

105. La définition de « autorité taxatrice », au paragraphe 2(1) de la *Loi sur les paiements versés en remplacement d'impôts*, est modifiée par adjonction, après l'alinéa f), de ce qui suit :

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(g) the Tlicho Government, as defined in section 2 of the *Tlicho Land Claims and Self-Government Act*, if it levies and collects a real property tax or a frontage or area tax in respect of Tlicho lands, as defined in section 2 of the *Mackenzie Valley Resource Management Act*.

g) le gouvernement tlicho, au sens de l'article 2 de la *Loi sur les revendications territoriales et l'autonomie gouvernementale du peuple tlicho*, qui lève et perçoit un impôt foncier ou un impôt sur la façade ou sur la superficie relativement aux terres tlichos, au sens de l'article 2 de la *Loi sur la gestion des ressources de la vallée du Mackenzie*.

R.S., c. P-21

PRIVACY ACT

LOI SUR LA PROTECTION DES
RENSEIGNEMENTS PERSONNELS

L.R., ch. P-21

2000, c. 7,
s. 26(2)

106. Subsection 8(7) of the *Privacy Act* is replaced by the following:

**106. Le paragraphe 8(7) de la *Loi sur la protection des renseignements personnels* est 10
remplacé par ce qui suit :**

2000, ch. 7,
par. 26(2)Definition of
"aboriginal
government"

(7) The expression "aboriginal government" 10
in paragraph (2)(k) means

(7) L'expression « gouvernement autoch-
tone » à l'alinéa (2)k s'entend :

Définition de
« gouvernement
autochtone »

(a) Nisga'a Government, as defined in the Nisga'a Final Agreement given effect by the *Nisga'a Final Agreement Act*; or

a) du gouvernement nisga'a, au sens de l'Accord définitif nisga'a mis en vigueur 15
par la *Loi sur l'Accord définitif nisga'a*;

(b) the Tlicho Government, as defined in 15
section 2 of the *Tlicho Land Claims and Self-Government Act*.

b) du gouvernement tlicho, au sens de l'article 2 de la *Loi sur les revendications territoriales et l'autonomie gouvernementale du peuple tlicho*. 20

COORDINATING AMENDMENTS

DISPOSITIONS DE COORDINATION

R.S., c. A-1

ACCESS TO INFORMATION ACT

LOI SUR L'ACCÈS À L'INFORMATION

L.R., ch. A-1

**107. On the later of the coming into force of section 16 of the *Westbank First Nation Self-Government Act* and section 97 of this 20
Act, subsection 13(3) of the *Access to Information Act* is replaced by the following:**

**107. À l'entrée en vigueur de l'article 16 de la *Loi sur l'autonomie gouvernementale de la première nation de Westbank* ou à celle de l'article 97 de la présente loi, la dernière en date étant à retenir, le paragraphe 13(3) de la 25
Loi sur l'accès à l'information est remplacé par ce qui suit :**

Definition of
"aboriginal
government"

(3) The expression "aboriginal government" 25
in paragraph (1)(e) means

(3) L'expression « gouvernement autoch-
tone » à l'alinéa (1)e s'entend :

Définition de
« gouvernement
autochtone »

(a) Nisga'a Government, as defined in the 25
Nisga'a Final Agreement given effect by the *Nisga'a Final Agreement Act*;

a) du gouvernement nisga'a, au sens de 30
l'Accord définitif nisga'a mis en vigueur par la *Loi sur l'Accord définitif nisga'a*;

(b) the council, as defined in the Westbank First Nation Self-Government Agreement given effect by the *Westbank First Nation 30
Self-Government Act*; or

b) du conseil, au sens de l'Accord d'autonomie gouvernementale de la première nation de Westbank mis en vigueur par la *Loi sur 35
l'autonomie gouvernementale de la première nation de Westbank*;

(c) the Tlicho Government, as defined in section 2 of the *Tlicho Land Claims and Self-Government Act*.

c) du gouvernement tlicho, au sens de l'article 2 de la *Loi sur les revendications territoriales et l'autonomie gouvernementale du peuple tlicho*.

R.S., c. 44
(4th Supp.)

LOBBYISTS REGISTRATION ACT

LOI SUR L'ENREGISTREMENT DES LOBBYISTES

L.R., ch. 44
(4^e suppl.)

108. On the later of the coming into force of section 17 of the *Westbank First Nation Self-Government Act* and section 100 of this Act, paragraph 4(1)(d.3) of the *Lobbyists Registration Act* is replaced by the following:

108. À l'entrée en vigueur de l'article 17 de la *Loi sur l'autonomie gouvernementale de la première nation de Westbank* ou à celle de l'article 100 de la présente loi, la dernière en date étant à retenir, l'alinéa 4(1)d.3) de la *Loi sur l'enregistrement des lobbyistes* est remplacé par ce qui suit:

(d.3) members of the council, as defined in the *Westbank First Nation Self-Government Agreement* given effect by the *Westbank First Nation Self-Government Act*, or persons on the staff of the council or of a member of the council;

d.3) les membres du conseil — au sens de l'Accord d'autonomie gouvernementale de la première nation de Westbank mis en vigueur par la *Loi sur l'autonomie gouvernementale de la première nation de Westbank* —, leur personnel ainsi que celui du conseil;

(d.4) members or employees of the Tlicho Government, as defined in section 2 of the *Tlicho Land Claims and Self-Government Act*, or persons on the staff of those members;

d.4) les membres — et leur personnel — ou les employés du gouvernement tlicho, au sens de l'article 2 de la *Loi sur les revendications territoriales et l'autonomie gouvernementale du peuple tlicho*;

R.S., c. P-21

PRIVACY ACT

LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS

L.R., ch. P-21

109. On the later of the coming into force of subsection 18(2) of the *Westbank First Nation Self-Government Act* and section 106 of this Act, subsection 8(7) of the *Privacy Act* is replaced by the following:

109. À l'entrée en vigueur du paragraphe 18(2) de la *Loi sur l'autonomie gouvernementale de la première nation de Westbank* ou à celle de l'article 106 de la présente loi, la dernière en date étant à retenir, le paragraphe 8(7) de la *Loi sur la protection des renseignements personnels* est remplacé par ce qui suit:

Definition of "aboriginal government"

(7) The expression "aboriginal government" in paragraph (2)(k) means

(7) L'expression « gouvernement autochtone » à l'alinéa (2)k) s'entend:

Définition de « gouvernement autochtone »

(a) Nisga'a Government, as defined in the *Nisga'a Final Agreement* given effect by the *Nisga'a Final Agreement Act*;

a) du gouvernement nisga'a, au sens de l'Accord définitif nisga'a mis en vigueur par la *Loi sur l'Accord définitif nisga'a*;

(b) the council of the Westbank First Nation; or

b) du conseil de la première nation de Westbank;

(c) the Tlicho Government, as defined in section 2 of the *Tlicho Land Claims and Self-Government Act*.

c) du gouvernement tlicho, au sens de l'article 2 de la *Loi sur les revendications territoriales et l'autonomie gouvernementale du peuple tlicho*.

OTHER AMENDMENTS

2003, c. 10

110. (1) If subsection 3(1) of *An Act to amend the Lobbyists Registration Act*, chapter 10 of the Statutes of Canada, 2003 (the “other Act”), comes into force before the coming into force of section 100 of this Act, then, on the later of the coming into force of that subsection 3(1) and the day on which this Act receives royal assent, section 100 of this Act and the heading before it are repealed.

(2) If subsection 3(1) of the other Act comes into force on or after the day on which section 100 of this Act comes into force and section 108 of this Act has not had its effect, then, on the coming into force of that subsection 3(1), paragraph 4(1)(d.3) of the *Lobbyists Registration Act* is repealed.

(3) If subsection 3(1) of the other Act comes into force on or after the day on which section 100 of this Act comes into force and section 108 of this Act has had its effect, then, on the coming into force of that subsection 3(1), paragraphs 4(1)(d.3) and (d.4) of the *Lobbyists Registration Act* are repealed.

COMING INTO FORCE

Order in council

111. This Act, other than sections 107 to 110, comes into force on a day to be fixed by order of the Governor in Council.

AUTRES MODIFICATIONS

2003, ch. 10

110. (1) Si l'entrée en vigueur du paragraphe 3(1) de la *Loi modifiant la Loi sur l'enregistrement des lobbyistes* (appelée « autre loi » au présent article), chapitre 10 des Lois du Canada (2003), précède celle de l'article 100 de la présente loi, à l'entrée en vigueur du paragraphe 3(1) de l'autre loi ou à la sanction de la présente loi, la dernière en date étant à retenir, l'article 100 de la présente loi et l'intertitre le précédant sont abrogés.

(2) Si le paragraphe 3(1) de l'autre loi entre en vigueur à la date d'entrée en vigueur de l'article 100 de la présente loi, ou après cette date, et que l'article 108 de la présente loi n'a pas eu d'effet, à l'entrée en vigueur du paragraphe 3(1) de l'autre loi l'alinéa 4(1)d.3) de la *Loi sur l'enregistrement des lobbyistes* est abrogé.

(3) Si le paragraphe 3(1) de l'autre loi entre en vigueur à la date d'entrée en vigueur de l'article 100 de la présente loi, ou après cette date, et que l'article 108 de la présente loi a produit ses effets, à l'entrée en vigueur du paragraphe 3(1) de l'autre loi les alinéas 4(1)d.3) et d.4) de la *Loi sur l'enregistrement des lobbyistes* sont abrogés.

ENTRÉE EN VIGUEUR

Décret

111. La présente loi, à l'exception des articles 107 à 110, entre en vigueur à la date fixée par décret.



L

***Westbank First Nation
Self- Government Act***

Westbank First Nation Self-Government Act

2004, c. 17

An Act to give effect to the Westbank First Nation Self-Government Agreement

[Assented to 6th May, 2004]

Preamble

WHEREAS the Government of Canada has undertaken to recommend to Parliament the enactment of legislation to give effect to the Westbank First Nation Self-Government Agreement;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Westbank First Nation Self-Government Act*.

INTERPRETATION

Definition of "Agreement"

2. (1) In this Act, "Agreement" means the Westbank First Nation Self-Government Agreement signed on behalf of the Westbank First Nation and Her Majesty in right of Canada on October 3, 2003 and laid before the Senate and the House of Commons on November 5, 2003, and includes any amendments made to it from time to time in accordance with its provisions.

Expressions used in Agreement

(2) In this Act, the expressions "council", "member", "Westbank First Nation", "Westbank lands" and "Westbank law" have the same meaning as in the Agreement.

EFFECT OF AGREEMENT

Force of law of Agreement

3. (1) The Agreement is approved and has the force of law.

Persons and bodies subject to Agreement

(2) Persons and bodies have the powers, rights, privileges and benefits conferred on them by the Agreement and are subject to the obligations and liabilities imposed on them by the Agreement.

Agreement binding

4. (1) The Agreement is binding on and may be relied on by all persons.

International obligations

(2) The provisions of the Agreement respecting Canada's international legal obligations may be invoked only by a party to the Agreement.

Conflicts with other federal laws

5. In the event of a conflict between this Act or the Agreement and any other federal law, this Act or the Agreement prevails to the extent of the conflict.

APPLICATION OF OTHER ACTS

Indian Act

6. The *Indian Act* does not apply in respect of the Westbank First Nation, its council, its members or Westbank lands except to the extent provided by the Agreement.

Acts respecting
reserve lands

7. The *First Nations Land Management Act* and the *Indian Oil and Gas Act* do not apply in respect of the Westbank First Nation, its council, its members or Westbank lands.

Statutory Instruments Act

8. The *Statutory Instruments Act* does not apply in respect of Westbank law.

LEGAL PROCEEDINGS

Judicial notice

9. Judicial notice shall be taken of the Agreement and Westbank law.

Judicial review

10. Application for judicial review in accordance with the Agreement may only be made after all applicable procedures for appeal or review provided by Westbank law have been exhausted.

Federal Courts Act

11. Neither the council nor any person or body appointed by the Westbank First Nation and having, exercising or purporting to exercise jurisdiction or powers conferred by or under Westbank law is a federal board, commission or other tribunal within the meaning of the *Federal Courts Act*.

Notice of issues
arising

12. (1) A party in any proceeding before a court or tribunal shall serve notice in writing on the Attorney General of Canada and the Westbank First Nation of any issue raised by that party in respect of

(a) the interpretation or validity of the Agreement; or

(b) the validity or applicability of this Act or of Westbank law.

Content of notice

(2) A notice must identify the proceeding in which the issue arises, state whether it arises in relation to paragraph (1)(a) or (b), give particulars of the point to be argued and, if a date has been fixed for argument, give the date.

Attachments

(3) A notice shall be accompanied by copies of all pleadings and other documents pertaining to the issue that are in the possession of the court or tribunal.

Time of service

(4) A notice shall be served within seven days after the issue is first raised by a party to the proceeding, whether in the initial pleadings or otherwise, and the issue may not be argued sooner than fourteen days after service unless the court or tribunal allows a shorter period.

Participation in
proceedings

(5) In any proceeding to which subsection (1) applies, the Attorney General of Canada and the Westbank First Nation may appear and participate with the same rights as any other party.

GENERAL

Regulations and
orders

13. The Governor in Council may, on the recommendation of the Minister of Indian Affairs and Northern Development made after consideration of any representations of the council, make any regulations or orders that the Governor in Council considers necessary or advisable for the purpose of carrying out the provisions of the Agreement.

References to
"Canada"

14. References in the Agreement to "Canada", other than as a place, shall be read as references to Her Majesty in right of Canada.

*Canada Lands
Surveys Act*

14.1 (1) For the purposes of subsection 29(3) of the *Canada Lands Surveys Act*, in relation to Westbank lands, surveys and plans must be satisfactory to the council rather than to the Minister of Indian Affairs and Northern Development.

Exception

(2) Subsection (1) does not apply in relation to boundaries between Westbank lands and other lands.

Deposit of Agreement and amendments

15. The Minister of Indian Affairs and Northern Development shall have a copy of the Agreement and of every amendment made to the Agreement, certified by the Minister to be a true copy, deposited in

(a) the National Archives of Canada;

(b) the library of the Department of Indian Affairs and Northern Development situated in the National Capital Region; and

(c) the office of that Department situated nearest to Westbank lands.

RELATED AMENDMENTS

16. to 19. [Amendments]

COORDINATING AMENDMENTS

20. and 21. [Amendments]

COMING INTO FORCE

Order

*22. The provisions of this Act, other than sections 20 and 21, come into force on a day to be fixed by order of the Governor in Council.

*[Note: Sections 20 and 21 in force on assent May 6, 2004.]

AMENDMENT NOT IN FORCE

-- 2004, c. 17, s. 21:

Bill C-8

21. If **Bill C-8**, introduced in the 3rd session of the 37th Parliament and entitled the *Library and Archives of Canada Act* (the "other Act"), receives royal assent, then, on the later of the coming into force of section 4 of the other Act and paragraph 15(a) of this Act, paragraph 15(a) of this Act is replaced by the following:

(a) the Library and Archives of Canada;