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NUNATSIAVUT CONSTITUTION ACT
(CIL 31-12-2012 N-3)
ORIGINAL ENACTMENT IL 2005-02

**AN INUIT LAW TO GIVE EFFECT TO THE LABRADOR INUIT CONSTITUTION AND
PROVIDE FOR COMPLIANCE WITH SECTION 17.5.1 OF THE LABRADOR INUIT LAND
CLAIMS AGREEMENT IN RESPECT OF THE LABRADOR INUIT CONSTITUTION**

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**An Inuit Law to Give Effect to the Labrador Inuit Constitution and Provide for Compliance with
Section 17.5.1 of the Labrador Inuit Land Claims Agreement in respect of the Labrador Inuit
Constitution**

WHEREAS the members of the Labrador Inuit Association established the Labrador Inuit Constitution in a referendum held on the 15th day of April 2002;

WHEREAS the Board of Directors of Labrador Inuit Association has by resolutions dated the twenty eighth day September, 2005 and the twenty fourth day of October, 2005 amended the Labrador Inuit Constitution in accordance with its terms; and

WHEREAS the Board of Directors of Labrador Inuit Association has passed a Resolution dated the first day of December, 2005 declaring the Labrador Inuit Constitution to be in effect; and

WHEREAS the Inuit of Labrador desire that the Labrador Inuit Constitution be affirmed and enacted by the Nunatsiavut Assembly as an Inuit Law;

NOW THEREFORE BE IT ENACTED by the Nunatsiavut Assembly as follows:

Short Title

1. This Inuit law may be cited as the *Nunatsiavut Constitution Act*.

Labrador Inuit Constitution enacted as Inuit Law

2. The Labrador Inuit Constitution set out in Schedule A is hereby enacted as the fundamental law of Inuit and of the Nunatsiavut Government.

Coming into effect

3. This Inuit law comes into effect immediately upon its registration pursuant to the *Inuit Laws Registration Act*.

THE NUNATSIAVUT CONSTITUTION ACT SCHEDULE A THE LABRADOR INUIT CONSTITUTION

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Preamble

We, the Inuit of Labrador:

Recognize that we are part of the divine creation;

Acknowledge that we are one with all humanity;

Honour our ancestors and elders for having given us our unique language, customs, and culture;

Treasure the land, sea, waters, resources, plants, animals, birds and fish of our ancestral territory for they have nourished and sustained us in body and in spirit since time immemorial; and

Assert our inherent right of self-government and the right to continue, as we have always done, to determine our own political, social, cultural and economic institutions and our relationships with other peoples and their governments.

We therefore freely adopt the Labrador Inuit Constitution for the governance of the Inuit of Labrador, our ancestral territory and our communities so as to:

Reaffirm our relationship to our ancestral territory;

Re-commit ourselves to a Labrador Inuit society based on Labrador Inuit culture, customs and traditions, Labrador Inuit democratic values, social justice for Labrador Inuit and the inherent human and aboriginal rights of the Inuit of Labrador;

Halt and reverse the erosion of Inuttut, our society, our culture and our dignity;

Heal the wounds of the dispossession and discrimination we have been subjected to through our history of colonization;

Improve the quality of life and well-being of the Inuit of Labrador and free the potential of each Labrador Inuk; and

Secure our rightful place as a distinct, self-sustaining and self-governing aboriginal People within Canada.

CHAPTER 1

FOUNDING PROVISIONS

Part 1.1 The Labrador Inuit Constitution

Title

- 1.1.1 This document, including the Preamble and Schedules, and every amendment to this document, the Preamble or a Schedule, is the Labrador Inuit Constitution.

The Labrador Inuit Constitution Reflects the Will of the Inuit

- 1.1.2 The will of the Inuit of Labrador as expressed in the Labrador Inuit Constitution is the supreme authority of all Labrador Inuit political, social, cultural and economic institutions established by or under the authority of the Labrador Inuit Constitution.

Founding Principles of the Labrador Inuit Constitution

- 1.1.3 The Labrador Inuit Constitution and Labrador Inuit political, social, cultural and economic institutions under the Labrador Inuit Constitution are founded on the following principles:
- (a) the existence of the Inuit of Labrador as a distinct people whose identity is based on ties of kinship, a shared language, common customs, traditions, observances, practices and beliefs, a special relationship to and control over our ancestral territory, a common history, and our own political, social, cultural and economic institutions;
 - (b) the need to protect and advance Labrador Inuit aboriginal and treaty rights, including rights to language, culture, land and resources, and rights of self-government;
 - (c) recognition of the human dignity of the Labrador Inuit, the pursuit of equality for the Labrador Inuit as a distinct aboriginal people of Canada, and the advancement of the human rights and freedoms of the Labrador Inuit;
 - (d) the need to maintain and strengthen the relationship of the Inuit of Labrador to the land, sea, waters, resources, plants, animals, birds and fish of our ancestral territory, Nunatsiavut;
 - (e) acknowledgement that the Labrador Inuit have a special responsibility to use and enjoy Nunatsiavut and its renewable and non-renewable resources with care and respect, without greed or waste and as stewards for future generations;
 - (f) respect for the continuity, integrity and development of Labrador Inuit families and acknowledgement that every Labrador Inuit family is responsible for the well being, guidance and conduct of its members;
 - (g) recognition that the Inuit of Labrador share responsibility for the well being, safety, security, good conduct, and freedom of all members of Labrador Inuit society and share a particular responsibility for the protection and well being of Labrador Inuit children,

Labrador Inuit elders and those members of Labrador Inuit society who may be vulnerable or helpless;

- (h) recognition that the ancestral language of the Inuit of Labrador is Inuttut, that it is the right of every Labrador Inuk to use Inuttut in personal and community life and in official transactions and business and that every Labrador Inuk has a responsibility to teach Inuttut and Inuit culture and customs to Inuit children and provide them with guidance and a sense of belonging within Labrador Inuit culture and society;
- (i) the belief that each Labrador Inuk enjoys his or her individual identity and individual rights as an Inuk as a result of their membership in Labrador Inuit society;
- (j) recognition that within Labrador Inuit society every Inuk is entitled to the same rights and freedoms that all Canadians have under the *Canadian Charter of Rights and Freedoms*;
- (k) the guarantee that Labrador Inuit men and women are equal in rights, freedoms and dignity;
- (l) the belief that every Labrador Inuk has a responsibility to be a self-determining, self-sustaining, productive, and contributing member of Labrador Inuit society in accordance with his or her abilities, to be truthful, to contribute to the good governance of Labrador Inuit society, and to accept responsibility for, and to rectify, any harm that he or she may have caused;
- (m) the requirement that the leaders and representatives of the Labrador Inuit must be democratically chosen by the Labrador Inuit in regular elections and must be accountable to the Labrador Inuit through a system of democratic government that ensures accountability, responsiveness and openness;
- (n) the understanding that the status, powers and functions granted to leaders and representatives of the Inuit of Labrador are entrusted to them for the benefit of all Inuit of Labrador in the expectation that leaders and representatives of the Inuit of Labrador will lead lives deserving of respect, be respectful and considerate of all people, give guidance, act wisely, fairly and surely in the exercise of their powers, seek balance and agreement in their decisions, avoid conflict, and serve without showing favour or prejudice and without pursuing personal gain;
- (o) the requirement that the structures and proceedings of Labrador Inuit political, social, cultural and economic institutions be accessible, open and responsive to the Labrador Inuit;
- (p) the need to structure Labrador Inuit political, social, cultural and economic institutions so that executive authorities do not exercise disproportionate power;
- (q) the belief that decision making by Labrador Inuit political, social, cultural and economic institutions should promote participation by Labrador Inuit individuals and organizations, seek cooperation and consensus, and consider dissenting opinions, the views of minorities and the possible consequences of the decision for all Inuit of Labrador;
- (r) the conviction that Labrador Inuit political, social, cultural and economic institutions exist to consider and provide for Labrador Inuit culture, Labrador Inuit distinctiveness

and the aspirations of Labrador Inuit by making policies and laws that meet Labrador Inuit needs, reflect Labrador Inuit culture, customs, traditions, observances, practices and beliefs, and strengthen the relationship between Labrador Inuit and Nunatsiavut;

- (s) the belief that the freedoms and aspirations of the Labrador Inuit and the ability of Labrador Inuit political, social, cultural and economic institutions to advance those freedoms and aspirations will be enhanced and expanded through Labrador Inuit self-sufficiency and fiscal independence;
- (t) the understanding that Labrador Inuit political, social, cultural and economic institutions must have the freedom to evolve in their own way in accordance with the spirit, principles and standards of the Labrador Inuit Constitution;
- (u) the requirement that laws and policies of Labrador Inuit political, social, cultural and economic institutions must be expressed in plain language that can be easily understood by all Inuit of Labrador and are to be published in English and Inuttut;
- (v) the recognition that Labrador Inuit are one of the circumpolar Inuit peoples and share with other Inuit the Arctic environment and ties of language and culture and that, therefore, Labrador Inuit political, social, cultural and economic institutions must maintain and strengthen the bonds between Labrador Inuit and other circumpolar Inuit peoples and promote arrangements for mutual cooperation and development with their governments and institutions;
- (w) the recognition that people other than Labrador Inuit live in Nunatsiavut, that Nunatsiavut is a part of the Canadian federation and that, therefore, Labrador Inuit political, social, cultural and economic institutions must develop policies that embrace pluralism within Nunatsiavut and in dealings with other peoples and their governments;
- (x) the recognition that the Inuit of Labrador have experienced change, new ideas and new technologies which we have integrated into our culture and way of life and, therefore, Labrador Inuit political, social, cultural and economic institutions must maintain and develop policies and ideas that address innovation and the adaptation of new ideas and technologies in ways that are appropriate to Labrador Inuit needs, values and aspirations;
- (y) acknowledgement of the rule of law.

Construction of the Labrador Inuit Constitution

1.1.4 Each provision of the Labrador Inuit Constitution:

- (a) is intended to be read, understood and implemented in a way that is consistent with the founding principles;
- (b) is intended to be consistent with the Labrador Inuit Land Claims Agreement;
- (c) shall, in cases of doubt, be construed so as to be consistent with the Labrador Inuit Land Claims Agreement; and

- (d) is of no force or effect to the extent that it may be found by a court of last resort to conflict with the Labrador Inuit Land Claims Agreement.

Supremacy of the Labrador Inuit Constitution

- 1.1.5 The Labrador Inuit Constitution is the supreme law of the Labrador Inuit, the Nunatsiavut Government, the Inuit Community Governments, the Inuit Community Corporations and Labrador Inuit political, social, cultural and economic institutions under the Labrador Inuit Constitution, except as provided in section 1.1.4.

Invalidity of Laws and Conduct Inconsistent with the Labrador Inuit Constitution

- 1.1.6 Any law of the Nunatsiavut Government or bylaw of an Inuit Community Government or an Inuit Community Corporation and any conduct inconsistent with the Labrador Inuit Constitution is invalid.

Constitutional Obligations must be Fulfilled

- 1.1.7 The obligations imposed by the Labrador Inuit Constitution must be fulfilled.

Part 1.2 Amendment of the Labrador Inuit Constitution and Effective Date

Constitutional Provisions to be Amended Following Referendum

- 1.2.1 The provisions of the Labrador Inuit Constitution listed on Schedule 1-A may be amended by a resolution passed by at least 60% of the members of the Nunatsiavut Assembly that has also been approved in a referendum by more than 50% of Inuit aged 16 years or older who vote.

Constitutional Amendments by Special Majority of Nunatsiavut Assembly

- 1.2.2 The provisions of the Labrador Inuit Constitution listed in Schedule 1-B may be amended by a resolution passed by a 3/4 majority of the members of the Nunatsiavut Assembly.

Constitutional Amendments Involving Inuit Community Governments

- 1.2.3 Without detracting from sections 1.2.1 and 1.2.2, if an amendment of the Labrador Inuit Constitution is proposed with respect to a provision or matter that deals specifically or exclusively with:
- (a) an Inuit Community Government, the amendment must, in addition, be approved by the Inuit Community Government; or
 - (b) Inuit Community Governments generally, the amendment must, in addition, be approved by a majority of the Inuit Community Governments.

Constitutional Amendments Initiated by Labrador Inuit

- 1.2.4 If more than 500 Labrador Inuit eligible to vote in an election for the President of Nunatsiavut sign and deliver a petition to the President proposing an amendment to the Labrador Inuit Constitution:

- (a) the President must, subject to section 1.2.6, hold a referendum to approve or reject the proposed amendment; and
- (b) the proposed amendment to the Labrador Inuit Constitution shall take effect if it is approved by at least 60% of Labrador Inuit aged 16 years or older who vote.

Contents of a Petition to Amend the Constitution

1.2.5 A petition under section 1.2.4 must contain:

- (a) the name, address and signature of each Labrador Inuk who signs the petition; and
- (b) adequate and specific detail of the amendment that is being proposed.

Discretion of President respecting Petitions to Amend Constitution

1.2.6 If the President of Nunatsiavut receives a petition under section 1.2.4 the President may:

- (a) reject the petition on the grounds that it is frivolous or vexatious; or
- (b) if the President believes the proposed amendment is unclear or incomplete, either:
 - (i) reject the petition on the grounds that the proposed amendment is unclear or incomplete, or
 - (ii) refer the proposed amendment to the Nunatsiavut Assembly for restatement and clarification before submitting it to a referendum; or
- (c) proceed with the referendum.

Decisions Respecting Petitions

1.2.7 A decision of the President of Nunatsiavut under section 1.2.6 must:

- (a) be made within 45 days of receiving a petition;
- (b) be made in writing;
- (c) state the reason for making a decision under section 1.2.6 (a) or (b); and
- (d) be published.

Amending Formula in Cases of Doubt

1.2.8 An amendment to the Labrador Inuit Constitution with respect to a matter not referred to in Schedule 1-A or Schedule 1-B or an amendment in a situation where there is doubt about the applicable amending formula must be made in accordance with section 1.2.2 unless the Nunatsiavut Assembly decides in a resolution passed by a 3/4 majority vote of its members, that the amendment is to be made in accordance with section 1.2.1.

Constitutional Amendments Prior to the Effective Date of the Constitution

1.2.9 If, before the effective date of the Labrador Inuit Constitution, the Board of Directors of Labrador Inuit Association believes that it is necessary or desirable to amend any provision Of the Labrador Inuit Constitution in order to:

- (a) ensure consistency between the Labrador Inuit Constitution and the Labrador Inuit Land Claims Agreement; or
- (b) correct any technical or drafting errors or ambiguities, the Board of Directors may make the amendment by resolution passed by a 3/4 majority vote of the Directors.

Effective Date of the Constitution

1.2.10 The Labrador Inuit Constitution comes into effect upon the later of:

- (a) its approval by 66% of the members of Labrador Inuit Association who are of the full age of 16 years or older and who vote in a referendum for that purpose; and
- (b) the date on which the Final Labrador Inuit Land Claims Agreement comes into effect.

Part 1.3 Nunatsiavut, the Nunatsiavut Government and the Institutions of Labrador Inuit Government

Nunatsiavut

1.3.1 The Labrador Inuit Settlement Area is called Nunatsiavut.

Nunatsiavut Government

1.3.2 The Nunatsiavut Government is composed of:

- (a) the President of Nunatsiavut;
- (b) the Nunatsiavut Executive Council which consists of the President, the First Minister of Nunatsiavut, the Treasurer and other members chosen by the First Minister;
- (c) the Nunatsiavut Assembly; and
- (d) the political, social, cultural and economic institutions established under Inuit law.

1.3.3 For purposes of the Labrador Inuit Constitution the institutions of Labrador Inuit government include the Nunatsiavut Government, the Inuit Community Governments, the Inuit Community Corporations, the Inuit Court and all political, social, cultural and economic institutions established under Inuit law.

General Residual Power of the Nunatsiavut Assembly

1.3.4 Subject to the Labrador Inuit Constitution, the Nunatsiavut Assembly may make laws in relation to all aspects of Labrador Inuit government that are not specifically provided for in the Labrador

Inuit Constitution and may make laws to elaborate and implement all matters provided for in the Labrador Inuit Constitution.

Part 1.4 Labrador Inuit Rights of Participation in the Nunatsiavut Government

Political Participation Rights of All Inuit

- 1.4.1 Labrador Inuit aged 16 years or older who are resident in Canada, other than those who have been declared by a court to be of unsound mind, have the right to:
- (a) participate in the referendum to establish the Labrador Inuit Constitution and referenda under sections 1.2.1 and 1.2.4 to amend the Labrador Inuit Constitution;
 - (b) seek election as President of Nunatsiavut if they meet the eligibility requirements for election as President of Nunatsiavut;
 - (c) participate in elections of the President of Nunatsiavut;
 - (d) participate in votes to approve decisions of the Nunatsiavut Assembly to convey the entire estate of the Labrador Inuit in Labrador Inuit Lands;
 - (e) seek election as a member of the Nunatsiavut Assembly for the constituency in which they reside, if they are qualified to do so; and
 - (f) participate in elections of the member or members of the Nunatsiavut Assembly to represent the constituency in which they reside.

Inuit Laws Respecting Rights of Political Participation

- 1.4.2 The Nunatsiavut Assembly must make laws to establish:
- (a) reasonable criteria for determining whether a Labrador Inuk is living in Nunatsiavut or a constituency for purposes of determining that person's right to seek elected office or to vote; and
 - (b) reasonable requirements with respect to age, mental capacity and qualifications to hold office as a member of an institution of Labrador Inuit government.

Part 1.5 Capital of Nunatsiavut

- 1.5.1 The Legislative capital of Nunatsiavut will be Hopedale.
- 1.5.2 The Administrative capital of Nunatsiavut will be Nain.

Decentralization of Nunatsiavut Government Offices

- 1.5.3 Despite section 1.5.2, the Nunatsiavut Executive Council must, from time to time, hold meetings in each of the Inuit Communities and the Nunatsiavut Government must decentralize its offices to

the extent that it considers reasonable and economically feasible with a view to placing at least one Nunatsiavut Government administrative centre in each of the Inuit Communities other than Hopedale or Nain over time.

Inuit Communities

- 1.5.4 For purposes of the Labrador Inuit Constitution the Inuit Communities are Nain, Hopedale, Makkovik, Postville and Rigolet.

Part 1.6 Languages

Official Languages of Nunatsiavut

- 1.6.1 Inuttut and English are the official languages of the Nunatsiavut Government and the Inuit Community Governments.

Decisions, Laws and Policies of the Nunatsiavut Government

- 1.6.2 All decisions, laws and policies of the Nunatsiavut Government must be published in Inuttut and English.

Inuttut is the Primary Language of Nunatsiavut

- 1.6.3 Without limiting sections 1.6.1 and 1.6.2, the primary language of Nunatsiavut is Inuttut, and without limiting the generality of this principle:
- (a) every member of the Nunatsiavut Assembly, the Nunatsiavut Executive Council, the Nunatsiavut Civil Service and every member of an Inuit Community Government and an Inuit Community Corporation has the right to transact business and speak at meetings in Inuttut;
 - (b) every Inuk has the right to communicate in Inuttut, orally and in writing, with the Nunatsiavut Government, the Inuit Community Governments and Inuit Community Corporations: and
 - (c) all bills of the Nunatsiavut Assembly and proposed bylaws of the Inuit Community Governments and all reports of the Nunatsiavut Government, including the annual report by the First Minister referred to in section 5.9.2, and Community Governments must be available in Inuttut.

Jurisdiction to make Laws respecting Language

- 1.6.4 Without limiting section 1.6.1, 1.6.2 or 1.6.3, the Nunatsiavut Assembly may make laws respecting the use of Inuttut and English by the institutions of Labrador Inuit government.

Measures to Advance Inuttut

- 1.6.5 Recognising the diminished use and status of Inuttut, the Nunatsiavut Assembly the Nunatsiavut Government, the Inuit Community Governments and Inuit Community Corporations have an obligation, without limiting sections 1.6.1 and 1.6.2, to take practical and positive measures to:

- (a) conduct business in Inuttut;
- (b) provide programs, services and information in Inuttut; and
- (c) advance the use and elevate the status of Inuttut which, in the case of the Nunatsiavut Assembly, may include the enactment of Inuit laws and the provision of programs to encourage and support Labrador Inuit to learn and use Inuttut.

Obligation to take Language Preference into Account

- 1.6.6 Inuit Community Governments and Inuit Community Corporations have an obligation to take into account the language usage and preferences of their residents or members but must fulfill their obligations under sections 1.6.3 and 1.6.5.

Monitoring of Use of Languages

- 1.6.7 The Nunatsiavut Government, Inuit Community Governments and Inuit Community Corporations by legislative and other measures, must regulate and monitor their use of Inuttut and English for purposes of taking practical and positive measures to advance the use and elevate the status of Inuttut.

Part 1.7 Nunatsiavut Flag

- 1.7.1 The flag of Nunatsiavut is shown in Schedule 1-C.

Part 1.8 Nunatsiavut Anthem

- 1.8.1 The Nunatsiavut anthem is set out in Schedule 1-D.

CHAPTER 2

LABRADOR INUIT CHARTER OF RIGHTS AND RESPONSIBILITIES

Part 2.1 Purpose, Nature and Application of Labrador Inuit Charter of Rights and Responsibilities

Charter is Contained in this Chapter

- 2.1.1 This Chapter is the Labrador Inuit Charter of Rights and Responsibilities.

Nature of the Charter

- 2.1.2 The Labrador Inuit Charter of Rights and Responsibilities is integral to the self-government rights of the Labrador Inuit and the exercise by Labrador Inuit of their powers of government.

Purpose of the Charter

- 2.1.3 The purpose of the Labrador Inuit Charter of Rights and Responsibilities is to ensure that institutions of Labrador Inuit government preserve and promote the distinct collective identity

and culture of the Labrador Inuit as one of the aboriginal peoples of Canada in a manner that respects, protects and fulfills the human dignity, equality and freedom of each Labrador Inuk.

Governments must Respect Rights set out in the Charter

- 2.1.4 Institutions of Labrador Inuit government must respect the rights set out in the Labrador Inuit Charter of Rights and Responsibilities.

Limitation of Rights

- 2.1.5 The rights in the Labrador Inuit Charter of Rights and Responsibilities may be limited only in terms of:
- (a) the Labrador Inuit Constitution; and
 - (c) an Inuit law that applies to all Labrador Inuit to the extent that the limitation is reasonable and justifiable having regard to the purpose of the Labrador Inuit Charter of Rights and Responsibilities and taking into account all relevant factors.

Obligations of Individual Inuit

- 2.1.6 Each Labrador Inuk is expected to fulfill his or her personal responsibilities under the Labrador Inuit Charter of Rights and Responsibilities.

Imposition of Responsibilities

- 2.1.7 The Labrador Inuit Charter of Rights and Responsibilities does not impose responsibilities or create obligations that are legally enforceable against individual Labrador Inuit in their private capacities but personal responsibilities set out in the Labrador Inuit Charter of Rights and Responsibilities together with other obligations, duties, requirements and responsibilities may be made legally enforceable in terms of an Inuit law that applies to all Labrador Inuit and does not unlawfully limit the rights set out in the Labrador Inuit Charter of Rights and Responsibilities.

Application of *Canadian Charter of Rights and Freedoms*

- 2.1.8 The rights and freedoms of Labrador Inuit under the *Canadian Charter of Rights and Freedoms* are enforceable by Labrador Inuit in respect of the institutions of Labrador Inuit government. Nothing in this section limits section 25 of the *Canadian Charter of Rights and Freedoms*.

Part 2.2 Interpretation of Labrador Inuit Charter of Rights and Responsibilities

Approach to Interpretation of the Labrador Inuit Charter of Rights and Responsibilities

- 2.2.1 When interpreting the Labrador Inuit Charter of Rights and Responsibilities an institution of Labrador Inuit government, court, tribunal or other forum must consider:
- (a) the need to protect, preserve and promote the aboriginal and treaty rights of the Inuit of Labrador as one of the aboriginal peoples of Canada;

- (b) the right of the Inuit of Labrador to maintain and develop Labrador Inuit society as a culturally and territorially distinct society based on the human dignity, equality and freedom of each Labrador Inuk; and
- (c) the desire of the Inuit of Labrador to encourage the realization of the human potential of each Labrador Inuk and the recognition that each Labrador Inuk has responsibilities to Labrador Inuit society and to all other Labrador Inuit.

Interpretation of Inuit Laws

2.2.2 When interpreting or applying Inuit law and Labrador Inuit customary law, every institution of Labrador Inuit government and every court, tribunal or other forum must consider the purpose of the Labrador Inuit Charter of Rights and Responsibilities.

Other Rights

2.2.3 The Labrador Inuit Charter of Rights and Responsibilities does not deny the existence of any other rights or freedoms of Labrador Inuit, including those that are recognized or confirmed by Labrador Inuit customary law, to the extent that those rights and freedoms are consistent with the Labrador Inuit Charter of Rights and Responsibilities.

Part 2.3 Enforcement of the Charter of Rights and Responsibilities

Who may Enforce the Charter

2.3.1 The following persons may seek a remedy from the Nunatsiavut Assembly or the courts in respect of the rights guaranteed under the Labrador Inuit Charter of Rights and Responsibilities:

- (a) a Labrador Inuk representing his or her own interests;
- (b) anyone acting on behalf of a Labrador Inuk who cannot act in his or her own name;
- (c) anyone acting on behalf of a corporation where only Labrador Inuit are members of the corporation; and
- (d) anyone acting on behalf of a group of Labrador Inuit having an identifiable membership organized for a common purpose.

Application to Nunatsiavut Assembly for Enforcement of the Charter

2.3.2 Anyone referred to in section 2.3.1 who alleges that a right in the Labrador Inuit Charter of Rights and Freedoms has been infringed has the right to apply to the Nunatsiavut Assembly or a committee established by the Nunatsiavut Assembly for relief and the Assembly or committee shall, after hearing the applicant, either dismiss the application or grant appropriate relief. Applications under this section must be heard and decided within a reasonable time. Written reasons for decisions must be given to the applicant and decisions may be reviewed by the Inuit court.

Application to Inuit Court for Relief

- 2.3.3 Anyone who makes an application under section 2.3.2 and who is not satisfied with the determination of the Nunatsiavut Assembly or a committee under section 2.3.2 may apply to the Inuit Court which may, subject to part 4.23 and section 9.2.9, grant appropriate relief, including a declaration of rights.

Procedure to Enforce the Charter

- 2.3.4 The Nunatsiavut Assembly must, without limiting the rights of applicants under section 2.3.2, make a standing order to provide for the hearing of applications for relief under section 2.3.2.

Part 2.4 Fundamental Rights, Freedoms and Responsibilities of Labrador Inuit

Equality Rights of Labrador Inuit Men and Women

- 2.4.1 Notwithstanding anything in the Labrador Inuit Constitution, the rights and freedoms referred to in it are guaranteed equally to Inuit men and women.

Additional Content of Labrador Inuit Equality Rights

- 2.4.2 An institution of Labrador Inuit government must not discriminate against a Labrador Inuk on the grounds of his or her ability to communicate in or his or her preference for only one of the official languages of Nunatsiavut.

Programs in Relation to Inuttut and Inuit within Nunatsiavut Jurisdiction

- 2.4.3 The equality rights of the Labrador Inuit, including the right referred to in section 2.4.2, do not prevent an institution of Labrador Inuit government from making a law or establishing or implementing a measure or action:
- (a) to promote Inuttut as the primary language of Nunatsiavut; or
 - (b) that provides for a distinction or differentiation between those Labrador Inuit who are within the territorial jurisdiction of the relevant institution of Labrador Inuit government and those who are not.

No Civil Discrimination

- 2.4.4 No person who is subject to Inuit law may unfairly discriminate against a Labrador Inuk on one or more grounds referred to in section 15 of the *Canadian Charter of Rights and Freedoms*.

Human Dignity

- 2.4.5 Every Labrador Inuk has inherent dignity and the right to have his or her dignity respected and protected; and every Labrador Inuk has a responsibility to treat others with respect and to contribute to the wellbeing, safety and freedom of all members of Labrador Inuit society.

Security of the Person

2.4.6 In addition to the right to life, liberty and security of the person under the *Canadian Charter of Rights and Freedoms*, every Labrador Inuk has the right to be free from all forms of violence from private sources.

Personal Integrity

2.4.7 Every Labrador Inuk has the right to bodily and psychological integrity which includes the right:

- (a) to make personal decisions concerning reproduction;
- (b) to security within and control over his or her body;
- (c) not to be subjected to medical, scientific or social experiments, tests or research without his or her informed consent.

Religious Observances by Institutions of Inuit Government

2.4.8 The right of every Labrador Inuk to freedom of conscience and religion under the *Canadian Charter of Rights and Freedoms* does not prevent spiritual or religious observances at institutions of Labrador Inuit government if attendance at the observances is free and voluntary and confined to opening and closing ceremonies.

Limitation on Freedom of Expression

2.4.9 The right of freedom of expression of every Labrador Inuk under the *Canadian Charter of Rights and Freedoms* does not extend to:

- (a) incitement of violence;
- (b) advocacy of hatred that is based on any of the grounds of discrimination referred to in section 2.4.4;
- (c) the protection of privacy under Canadian law; or
- (d) the infringement of the freedom, security or dignity of any person.

Right to Elections

2.4.10 Labrador Inuit have the right to free and fair elections at least every four years in terms of the Labrador Inuit Constitution and Inuit law.

Right to Vote in Secret

2.4.11 Labrador Inuit have the right to vote in secret in terms of the Labrador Inuit Constitution and Inuit law.

Right to Status as Inuk

- 2.4.12 No person who meets the eligibility requirements to be a beneficiary of the Labrador Inuit Land Claims Agreement may be deprived of his or her status as a Labrador Inuk.

Freedom of Movement

- 2.4.13 Every Labrador Inuk has the right to freedom of movement which includes the right to leave Nunatsiavut or an Inuit Community and the right to enter, to remain in and to reside in Nunatsiavut or an Inuit Community.

Security of Private Land Rights

- 2.4.14 No person who has acquired private rights:
- (a) in Labrador Inuit Lands under Inuit law may be deprived of those rights except in terms of an Inuit law;
 - (c) in Community Lands under a bylaw of an Inuit Community Government may be deprived of those rights except in terms of a bylaw of an Inuit Community Government, and no Inuit law or bylaw of an Inuit Community Government may permit arbitrary deprivation of private rights in Labrador Inuit Lands or Community Lands.

Expropriation

- 2.4.15 Private rights in Labrador Inuit Lands may be expropriated by the Nunatsiavut Government only for a public Labrador Inuit purpose or in the public interest of the Labrador Inuit and subject to compensation. Private rights in Community Lands or lands within an Inuit Community other than Labrador Inuit Lands may be expropriated by the Inuit Community Government for a Community purpose or in the public interest of the Community and subject to compensation. The compensation amount and the time and manner of payment of the compensation must be agreed to by those affected or be decided or approved by the Inuit Court.

Determination of Compensation

- 2.4.16 The amount of compensation and the time and manner of payment for expropriation of a private interest in Labrador Inuit Lands, Community Lands or lands within a Community must be just and equitable and reflect a balance between the Labrador Inuit interest in Labrador Inuit Lands or the Inuit Community's interest in Community Lands or lands within the Community and the interests of those affected, having regard to all relevant circumstances, including:
- (a) the current use of the land;
 - (b) the history of the acquisition and use of the land;
 - (c) the extent of direct investment in the land by an institution of Labrador Inuit government and any subsidy in the acquisition and improvement of the property; and
 - (d) the purpose of the expropriation.

Freedom of Trade, Occupation and Profession

2.4.17 Every Labrador Inuk has the right to choose a trade, occupation or profession freely. The practice of a trade, occupation or profession may be regulated by law.

Fair Labour Practices

2.4.18 Every Labrador Inuk has the right to fair labour practices in accordance with Canadian law and the Labrador Inuit Land Claims Agreement.

Collective Bargaining

2.4.19 Subject to Canadian law and section 17.32.2 of the Labrador Inuit Land Claims Agreement, every Labrador Inuit employee organization and Labrador Inuit employer organization has the right to engage in collective bargaining.

Environment

2.4.20 Every Labrador Inuk has the right to an environment that is not harmful to his or her health or well being and to have the environment protected for the benefit of present and future generations through reasonable Inuit laws and other measures that:

- (a) prevent pollution and ecological degradation;
- (b) promote conservation; and
- (c) secure ecologically sustainable development and use of renewable and non-renewable resources while promoting justifiable economic and social development of Labrador Inuit, and every Labrador Inuk has a responsibility to use and enjoy Nunatsiavut and its environment and renewable and non-renewable resources with care and respect, without waste or greed and as a steward for future generations of Labrador Inuit.

Rights of Children

2.4.21 Every Labrador Inuk under the age of 16 has the right:

- (a) to a name from birth;
- (b) to family care or parental care, or to appropriate alternative care when removed from the family environment;
- (c) to basic nutrition, shelter, health care services and social services;
- (d) to be protected from maltreatment, neglect, abuse or degradation;
- (e) to be protected from exploitative labour practices;
- (f) not to be required or permitted to perform work or provide services that:
 - (i) are inappropriate for a person of that child's age; or

- (ii) place at risk the child's well being, education, physical or mental health or spiritual, moral or social development;
- (g) not to be detained except as a measure of last resort, and if detained, to be kept separately from detained persons over the age of 16 years and to be treated in a manner and kept in conditions that take account of the child's age; and every Labrador Inuit family has a responsibility to treat children within the family with love and kindness, to provide for them in accordance with the principles of this section, and to live so as to gain their respect.

Best Interests of Children

- 2.4.22 A Labrador Inuit child's best interests are of paramount importance in every matter concerning the child which is to be decided by an institution of Labrador Inuit government, court or tribunal.

Water, Food, Health Care and Social Services

- 2.4.23 Every Labrador Inuk has the right to have access to water, food, health care and, if they are unable to support themselves and their dependents, appropriate social services, and every Labrador Inuk has a responsibility to provide for his or her own well being in accordance with his or her abilities, to be a self-sustaining, productive, member of Labrador Inuit society in accordance with his or her abilities, to share food and shelter with those Labrador Inuit who are in need, and to protect children, the elderly and those Labrador Inuit who are vulnerable or helpless.

Education

- 2.4.24 Every Labrador Inuk has the right to a basic education, including adult basic education.

Higher Education

- 2.4.25 Every Labrador Inuk has the right to education beyond a basic education and responsibility to provide for his or her advanced education in accordance with his or her means.

Language of Education

- 2.4.26 Every Labrador Inuk attending a Labrador Inuit educational institution, including educational institutions established by the Nunatsiavut Assembly or funded by or through the Nunatsiavut Assembly, has the right to receive education in Inuttut, English or both Inuttut and English. In order to ensure the effective realization of this right the Nunatsiavut Assembly must consider all reasonable educational alternatives, including single language institutions, taking into account equity, cost, practicability and the need to redress the results of past laws, policies, attitudes and practices that have eroded Inuttut.

Language and Culture

- 2.4.27 Every Labrador Inuk has the right to use Inuttut in personal and community life and in all his or her dealings with institutions of Labrador Inuit government and every Labrador Inuk has a responsibility to:

- (a) respect, preserve and advance the use of Inuttut by speaking Inuttut at home and by teaching it to their children and family members;

- (b) to respect, preserve and advance the Labrador Inuit Culture; and
- (c) share Labrador Inuit stories, knowledge, customs and traditions with other Inuit, particularly with younger generations.

Housing

2.4.28 Every Labrador Inuk has the right to have access to adequate housing and every Labrador Inuk has a responsibility to provide for his or her own housing needs in accordance with his or her own means and a responsibility to care for and to maintain housing that is provided to him or her by an institution of Labrador Inuit government or that is funded by or through an institution of Labrador Inuit government.

Evictions

2.4.29 No Labrador Inuk may be evicted from their home, or have their home demolished without an order of the Inuit Court which may only be made after considering all the relevant circumstances. No Inuit law or bylaw or an Inuit Community Government may permit arbitrary evictions.

Financial Obligations of the Nunatsiavut Assembly in Relation to Inuit Social Rights

2.4.30 The Nunatsiavut Assembly must take reasonable legislative and other measures within its available financial resources and other priorities, to achieve the progressive realization of the rights referred to in sections 2.4.21, 2.4.23, 2.4.24, 2.4.25, 2.4.26 and 2.4.28, but nothing in any of those sections:

- (a) obliges the Nunatsiavut Assembly or the Nunatsiavut Government to impose a tax, borrow money or incur a deficit for purposes of the realization of those rights;
- (b) prevents the termination of a program or service in respect of a matter referred to in any of those sections;
- (c) prevents the establishment of terms and conditions to provide for the recovery of the costs of supplying programs and services in respect of a matter referred to in those sections; or
- (d) prevents the recovery of funding provided to individuals in accordance with the terms and conditions governing the provision of the funding or the program or service.

Access to Information

2.4.31 Every Labrador Inuk has the right of access to any information held by an institution of Labrador Inuit government and that is required for the exercise or protection of any rights but this right is subject to reasonable restrictions which may be imposed under Inuit law including restrictions reasonably necessary to protect the privacy of individuals.

Electronic Information and Communication

2.4.32 Institutions of Inuit government may not require Inuit to communicate electronically and an Inuk must expressly consent to governmental and private electronic communications, contracts or agreements in order to be bound by them.

Cost of Access to Information

- 2.4.33 Inuit law must be enacted to give effect to the rights in section 2.4.31 and 2.4.32 and Inuit law may provide for reasonable measures to alleviate the administrative and financial burden of implementing the right in section 2.4.31.

Right to Just Administrative Action

- 2.4.34 Every Labrador Inuk has the right to receive treatment, actions and decisions from administrative authorities of the Nunatsiavut Government, Inuit Community Governments and Inuit Community Corporations that is lawful, reasonable and procedurally fair and any person who is not accorded his or her rights under the Labrador Inuit Charter of Rights and Responsibilities or who is not treated in a lawful, reasonable and procedurally fair manner by an administrative authority has the right to be given written reasons and, within a reasonable time, to have the administrative action reviewed and to be heard by the person or body conducting the review.

Review of Administrative Action

- 2.4.35 The Nunatsiavut Assembly must enact an Inuit law, including reasonable limitation periods, to give effect to the rights in section 2.4.34 by providing for the review of administrative action by a committee of the Assembly, a tribunal or forum and for an appeal of any decision by the committee, tribunal or forum to the Inuit Court.

Access to Courts

- 2.4.36 Every person has the right to have any dispute that can be resolved by the application of Inuit law or Labrador Inuit customary law decided in a fair and open hearing before an impartial tribunal or forum or by the Inuit Court. Nothing in this section prevents a party to a dispute from consenting to a closed hearing or a tribunal, forum or the Inuit Court from holding a closed hearing in the interests of a child or for the protection of victims of abuse or violence who have reasonable grounds to fear for their safety or privacy.

CHAPTER 3

PRESIDENT OF NUNATSIAVUT

Part 3.1 The President of Nunatsiavut

The President

- 3.1.1. There shall be a President of Nunatsiavut.

Duty of the President

- 3.1.2 The President of Nunatsiavut:
- (a) is the head of the Nunatsiavut Government and head of the Nunatsiavut Executive Council; and
 - (b) must uphold, defend and respect the Labrador Inuit Constitution.

Presidential Powers entrusted by the Constitution

- 3.1.3 The President of Nunatsiavut has only those powers entrusted to the President under the Labrador Inuit Constitution and under Inuit law.

Part 3.2 Powers and Functions of President

Bills Require the President's Assent

- 3.2.1 The President of Nunatsiavut is responsible for assenting to and signing bills.

Nunatsiavut Assembly Decisions of No Legal Force until Signed by President

- 3.2.2 No bill, order, resolution, enactment or other decision of the Nunatsiavut Assembly has the force of law until it is assented to and signed by the President of Nunatsiavut.

President must Assent to Decisions of Nunatsiavut Assembly

- 3.2.3 The President of Nunatsiavut must assent to and sign into law all bills, orders, resolutions, enactments and other decisions of the Nunatsiavut Assembly in accordance with the requirements of Part 4.19 except under circumstances referred to in sections 3.2.4 and 3.2.5.

Constitutionality of Nunatsiavut Assembly Decisions

- 3.2.4 The President of Nunatsiavut may refuse to assent to and sign into law any bill, order, resolution, enactment or other decision of the Nunatsiavut Assembly which the President considers to be unconstitutional.

Referral of Unconstitutional Decisions

- 3.2.5 If the President of Nunatsiavut refuses to assent to and sign into law a bill, order, resolution, enactment or other decision of the Nunatsiavut Assembly because it is considered to be unconstitutional, the President must give written reasons for the refusal and:

- (a) refer the bill, order, resolution, enactment or decision back to the Nunatsiavut Assembly for reconsideration of its constitutionality; or
- (b) refer the bill, order, resolution, enactment or other decision to the Inuit Court for a decision on its constitutionality.

Appointment of First Minister

- 3.2.6 The President of Nunatsiavut must appoint the First Minister of Nunatsiavut.

First Minister to Have Confidence of Assembly

- 3.2.7 The First Minister of Nunatsiavut must be an ordinary member of the Nunatsiavut Assembly who enjoys the confidence of the Assembly. An ordinary member of the Nunatsiavut Assembly is one who is elected to represent a constituency referred to in section 4.2.1. The confidence of the

Assembly shall be determined in accordance with the procedures for the making of decisions set out in part 4.15.

Removal of First Minister

- 3.2.8 The President of Nunatsiavut must remove the First Minister of Nunatsiavut from office if the First Minister is no longer an ordinary member of the Nunatsiavut Assembly or does not enjoy the confidence of the Assembly.

Appointment of Executive Council

- 3.2.9 The President of Nunatsiavut must appoint the members of the Nunatsiavut Executive Council.

Qualifications for Members of Executive Council

- 3.2.10 Only an ordinary member of the Nunatsiavut Assembly is qualified to be a member of the Nunatsiavut Executive Council and the President of Nunatsiavut must appoint to the Council only those members nominated by the First Minister of Nunatsiavut.

Removal of Members of Executive Council

- 3.2.11 The President of Nunatsiavut must make such changes in the Nunatsiavut Executive Council as the First Minister of Nunatsiavut advises and may dismiss a member of the Council only on the advice of the First Minister. A member of the Council who ceases to be a member of the Nunatsiavut Assembly also ceases to be a member of the Council.

President is Chair of Nunatsiavut Executive Council and Presides over the Nunatsiavut Assembly at the Opening of the Assembly

- 3.2.12 The President of Nunatsiavut shall preside at all meetings of the Nunatsiavut Executive Council as chair and shall open each session of the Nunatsiavut Assembly, deliver a speech that outlines the legislative program for that session of the Nunatsiavut Assembly and preside over the proceedings of the Nunatsiavut Assembly for purposes of opening ceremonies, the swearing of the oaths of office of the other members of the Nunatsiavut Executive Council and the Nunatsiavut Assembly, the election of the Speaker of the Nunatsiavut Assembly, and the administration of the oath of office of the Speaker of the Nunatsiavut Assembly.

Participation of President in Assembly and Nunatsiavut Executive Council

- 3.2.13 The President of Nunatsiavut :
- (a) is a member of the Nunatsiavut Assembly ; and
 - (b) may address a meeting of the Nunatsiavut Executive Council and participate in the proceedings of the Council but before doing so shall temporarily appoint the First Minister of Nunatsiavut or a member of the council designated by the members of the council as presiding officer of the Council.

Convening of the Nunatsiavut Assembly

- 3.2.14 The President of Nunatsiavut must summon a meeting of the Nunatsiavut Assembly at least once every calendar year and may, upon the advice of the First Minister of Nunatsiavut, summon the Assembly to an extraordinary sitting to conduct special business at any time.

Convening of Executive Council

- 3.2.15 The President of Nunatsiavut must summon the Nunatsiavut Executive Council on the advice of the First Minister of Nunatsiavut and may, in the President's sole discretion, summon the Council to an extraordinary sitting to conduct special business.

Presidential Power to Prevent Action by Nunatsiavut Executive Council

- 3.2.16 If the President of Nunatsiavut has reasonable grounds to believe that any action proposed to be taken by another member of the Nunatsiavut Executive Council would be contrary to the Labrador Inuit Constitution, the Labrador Inuit Land Claims Agreement, an overlapping land claims agreement, the Constitution of Canada or any obligations of the Nunatsiavut Government under an intergovernmental agreement, the President may, by order, direct that the proposed action shall not be taken.

Presidential Power to Require Action

- 3.2.17 If the President has reasonable grounds to believe that any action capable of being taken by another member of the Nunatsiavut Executive Council is required for the purpose of giving effect to the Labrador Inuit Constitution, the Labrador Inuit Land Claims Agreement, an overlapping land claims agreement, the Constitution of Canada or obligations of the Nunatsiavut Government under an intergovernmental agreement, the President may, by order:

- (a) direct that the action shall be taken; or
- (b) undertake the action.

Reasons for Presidential Orders

- 3.2.18 An order under section 3.2.16 or 3.2.17 shall:

- (a) be in writing;
- (b) state the reasons for making the order; and
- (c) be published.

Other Powers and Functions of the President

- 3.2.19 The President of Nunatsiavut also has the following powers and functions:

- (a) Assenting to, signing and bringing into effect all subordinate legislation;
- (b) Making any appointments that the Labrador Inuit Constitution or an Inuit law requires the President to make;
- (c) Appointing commissions of inquiry;

- (d) Calling a referendum or plebiscite in terms of the Labrador Inuit Constitution or an Inuit law;
- (e) Receiving senior representatives of other governments;
- (f) Pardoning or reprieving offenders and remitting any fines, penalties or forfeitures;
- (g) conferring honours for and on behalf of Nunatsiavut; and
- (h) any other powers and functions conferred under the Labrador Inuit Constitution and Inuit law.

Part 3.3 Election of President

Only Inuit may Vote

- 3.3.1 Only Labrador Inuit aged 16 years or older who are resident in Canada, other than those who have been declared by a court to be of unsound mind, may vote in an election for the President of Nunatsiavut.

Polling Stations

- 3.3.2 Voting in an election for President of Nunatsiavut shall take place at polling stations in the following places:

- (a) Nain,
- (b) Hopedale,
- (c) Postville,
- (d) Makkovik,
- (e) Rigolet,
- (f) North West River and
- (g) Happy Valley - Goose Bay

Labrador Inuit residents of Mud Lake shall vote in Happy Valley - Goose Bay.

Mail Ballots

- 3.3.3 Labrador Inuit who are eligible to vote in an election for the President of Nunatsiavut who do not live in a community referred to in section 3.3.2 may vote for the President by mail and a mail ballot must be forwarded to each of those Inuit at his or her last known address.

Absolute Majority Required

- 3.3.4 To be elected President of Nunatsiavut the winning candidate requires an absolute majority of all votes cast.

Second Poll if no Absolute Majority

- 3.3.5 If no candidate receives an absolute majority of the votes cast in an election for President of Nunatsiavut, a second vote shall be held between the 2 candidates who received the most votes in the first poll.

Secret Ballot

- 3.3.6 All votes for President of Nunatsiavut shall be by secret ballot.

Eligibility for Election as President of Nunatsiavut

- 3.3.7 To be eligible to be elected as President of Nunatsiavut a candidate must:

- (a) be a Labrador Inuk resident in Canada;
- (b) be of the full age of 25 years;
- (c) be able to understand and to speak Inuttut;
- (d) not be imprisoned, on parole, on probation or under any other form of judicial supervision;
- (e) not be of unsound mind;
- (f) not be bankrupt; and
- (g) not be in arrears in the payment of any taxes payable to the Nunatsiavut Government or an Inuit Community Government.

Nomination of Candidates for President of Nunatsiavut

- 3.3.8 A nomination of a candidate for President of Nunatsiavut must:

- (a) be submitted to the Chief Electoral Officer in writing;
- (b) be signed by 3 Labrador Inuit, each of whom must be eligible to vote in an election for President of Nunatsiavut;
- (c) state that the candidate for President of Nunatsiavut meets the requirements of section 3.3.7;
- (d) contain the written acceptance of nomination by the candidate and the candidate's declaration that he or she meets the eligibility requirements of section 3.3.7; and
- (e) be accompanied by any deposit or fee that may be required under Inuit law.

Single Candidate

- 3.3.9 If only 1 candidate is nominated, the person presiding over the Presidential election must declare that candidate elected.

No Candidate

3.3.10 If no eligible candidate is nominated for President of Nunatsiavut, the Nunatsiavut Assembly must elect an eligible person to be President of Nunatsiavut.

Electoral Officer and Laws Governing Presidential Elections

3.3.11 At its first sitting after the Labrador Inuit Constitution comes into effect the Nunatsiavut Assembly must enact an Inuit law to provide for free and fair elections of the President of Nunatsiavut and the law must:

- (a) provide for the appointment, powers and functions of an electoral officer to preside over elections of the President;
- (b) contain rules prescribing the procedure for holding presidential elections, the manner in which voting is to be conducted, the counting of votes, the questioning of an election, the consequences of irregularities in an election and all other matters necessary or advisable for a free and fair election; and
- (c) provide for the implementation of the provisions of the Labrador Inuit Constitution in respect of the election of the President of Nunatsiavut.

Part 3.4 First Election and Term of Office of President of Nunatsiavut

First Election of President

3.4.1 The first election for President of Nunatsiavut must be held 24 months after the first ordinary general election of the members of the Nunatsiavut Assembly on the first Tuesday in May.

Swearing in of President

3.4.2 The President shall take office immediately after swearing or affirming the President's oath of office, to be administered by the most senior of the Chief Community Elders, as follows no later than 30 days after winning the presidential election:

In the presence of everyone assembled here, and in full realization that the high calling I assume as President of Nunatsiavut has been entrusted to me for the benefit of all Labrador Inuit, I, _____, swear/solemnly affirm that I will be faithful to the Inuit of Labrador and will obey, observe, uphold and maintain the Labrador Inuit Constitution and all other Inuit laws; and I solemnly and sincerely promise:

- to promote all that will advance the Labrador Inuit and Nunatsiavut and oppose all that may harm them;
- to protect and promote the rights and responsibilities of all Labrador Inuit;
- to discharge my functions with all my wisdom, strength and talents to the best of my knowledge and ability, true to the dictates of my conscience and in accordance with my responsibilities as a leader;
- to do justice to all; and

- to devote myself to the well being of Nunatsiavut and all of its people.
(In the case of an oath: So help me God)”

Four year Term of Office

- 3.4.3 The President of Nunatsiavut shall serve a four year term of office except for the first President whose term of office is governed by section 3.4.1. After the first election for President has been held, an election for President of Nunatsiavut shall thereafter be held on the first Tuesday in May in every fourth calendar year.

Beginning and End of Term

- 3.4.4 The term of office of the President of Nunatsiavut begins on assuming office and ends upon a vacancy occurring or when the person next elected President assumes office.

Part 3.5 Removal of President or Vacancy in Office

Removal by Vote of Nunatsiavut Assembly

- 3.5.1 The Nunatsiavut Assembly, by a resolution adopted with a supporting vote of at least 4/5 of its members excluding the President, may remove the President of Nunatsiavut from office only on the grounds of:

- (a) a serious violation of the Labrador Inuit Constitution or the law;
- (b) serious misconduct;
- (c) becoming ineligible to hold office; or
- (d) inability to perform the functions of office.

A vote on a resolution under this section must be held under the auspices of the First Minister of Nunatsiavut as presiding officer of the Assembly who may vote.

Vacancy in Office

- 3.5.2 The office of President of Nunatsiavut becomes vacant if the President is removed from office under section 3.5.1, dies or resigns.

Penalties for Removal from Office

- 3.5.3 Anyone who has been removed from the office of President of Nunatsiavut:
- (a) in terms of subsection 3.5.1(a) or (b) may not receive any benefits of that office;
 - (b) in terms of subsection 3.5.1(c) or (d) may receive only those benefits of office that may be awarded by the Nunatsiavut Assembly.

Eligibility for Other Office

- 3.5.4 Anyone who has been removed from the office of President under section 3.5.1 may not thereafter serve in any office in the Nunatsiavut Government.

Part 3.6 Acting President

Order of Precedence

- 3.6.1 When the President of Nunatsiavut is absent from Nunatsiavut for a period greater than 10 days or is otherwise unable to fulfill the duties of President, or during a vacancy in the office of President, an office bearer, in the order below, acts as President:
- (a) The First Minister of Nunatsiavut;
 - (b) A member of the Nunatsiavut Executive Council designated by the other members of the Council;
 - (c) A member of the Nunatsiavut Assembly designated by the Assembly.

Powers and Functions of Acting President

- 3.6.2 The Acting President of Nunatsiavut has the responsibilities, powers and functions of the President of Nunatsiavut.

Oath of Office

- 3.6.3 Before assuming the responsibilities, powers and functions of the President of Nunatsiavut, the Acting President of Nunatsiavut must swear or affirm the Acting President's oath of office which shall be substantially the same as the oath of office under section 3.4.2 but shall add: "and I will relinquish the office of Acting President when the President of Nunatsiavut returns, is able to resume the duties of President, or the vacancy in the office of President of Nunatsiavut is filled", as the case may be.

Part 3.7 Residence of President of Nunatsiavut

President to Reside in Administrative Capital

- 3.7.1 The residence of the President of Nunatsiavut shall be in the Administrative capital of Nunatsiavut.

President to take up Residence upon Swearing In

- 3.7.2 The President of Nunatsiavut shall take up permanent residence in the Administrative capital of Nunatsiavut forthwith upon swearing the Oath of Office of President.

CHAPTER 4

THE NUNATSIAVUT ASSEMBLY

Part 4.1 A Parliament for Nunatsiavut

Parliament to be known as Nunatsiavut Assembly.

4.1.1 There shall be a Labrador Inuit parliament for Nunatsiavut to be known as the Nunatsiavut Assembly.

Composition of the Nunatsiavut Assembly

4.1.2 The Nunatsiavut Assembly consists of no fewer than 16 members as follows:

- (a) The ordinary members of the Assembly;
- (b) The AngajukKâk of each Inuit Community Government;
- (c) The Chair of each Inuit Community Corporation;
- (d) The President of Nunatsiavut.

Function of the Nunatsiavut Assembly

4.1.3 The Nunatsiavut Assembly is elected to:

- (a) represent the Labrador Inuit and to ensure government of Nunatsiavut by the Labrador Inuit under the Labrador Inuit Constitution;
- (b) decide who should be appointed the First Minister of Nunatsiavut;
- (c) provide the forum for consideration of issues affecting Labrador Inuit and Nunatsiavut or of importance to Labrador Inuit and Nunatsiavut;
- (d) make laws for the government of Labrador Inuit, the Labrador Inuit Communities, Nunatsiavut and the Inuit Community Corporations; and
- (e) oversee actions by the Nunatsiavut Executive Council.

Function of AngajukKât in Nunatsiavut Assembly

4.1.4 The AngajukKât represent the Inuit Community Governments to ensure that issues affecting Inuit Communities and Inuit Community interests are considered in the Nunatsiavut Assembly.

Function of Chairs of Community Corporations

4.1.5 The chairpersons of Inuit Community Corporations represent communities of Labrador Inuit living in urban areas outside Nunatsiavut to ensure that issues affecting Labrador Inuit Communities outside Nunatsiavut and Inuit Community Corporation interests are considered in the Nunatsiavut Assembly.

Rights and Privileges of AngajukKât and Chairs of Community Corporations

- 4.1.6 The AngajukKât and Chairs of Inuit Community Corporations vote and participate as full members of the Nunatsiavut Assembly but an AngajukKâk or chair of an Inuit Community Corporation is not eligible to be President, First Minister, Acting President or a member of the Nunatsiavut Executive Council while he or she holds office as an AngajukKâk or as chair of an Inuit Community Corporation, as the case may be.

Part 4.2 Election of Ordinary Members

Constituencies

- 4.2.1 Unless the Nunatsiavut Assembly increases the number of constituencies in accordance with section 4.2.6, there shall be 7 constituencies in the Nunatsiavut Assembly as follows:

- (a) Nain, consisting of all Labrador Inuit resident in the region of Nain;
- (b) Hopedale, consisting of all Labrador Inuit resident in the region of Hopedale;
- (c) Makkovik, consisting of all Labrador Inuit resident in the region of Makkovik;
- (d) Postville, consisting of all Labrador Inuit resident in the region of Postville;
- (e) Rigolet, consisting of all Labrador Inuit resident in the region of Rigolet;
- (f) Upper Lake Melville, consisting of all Labrador Inuit resident in the communities of Happy Valley - Goose Bay, North West River and Mud Lake; and
- (g) Canada, consisting of all Inuit citizens resident in places in Canada other than the constituencies enumerated in subsections (a) through (f).

One Ordinary Member to Represent Each Constituency

- 4.2.2 Except when additional representation is required under section 4.2.3 one member of the Nunatsiavut Assembly shall be returned for each constituency under the simple plurality system at an election held in or for each constituency.

Additional Representation for Each Constituency

- 4.2.3 If the number of Labrador Inuit in a constituency exceeds 1,000, the constituency shall be represented by 2 ordinary members of the Nunatsiavut Assembly and if the number of Labrador Inuit in a constituency exceeds 3,000, the constituency shall be represented by 3 ordinary members of the Nunatsiavut Assembly and if the number of Labrador Inuit in a constituency exceeds 4,000, the constituency shall be represented by 4 ordinary members of the Nunatsiavut Assembly.

Maximum Number of Ordinary Representatives

- 4.2.4 No constituency may be represented by more than 4 ordinary members.

Proceedings Not Affected by Vacancy

- 4.2.5 Subject to section 4.15.1, the validity of any proceedings of the Nunatsiavut Assembly is not affected by any vacancy in its membership.

Assembly May Provide for Representation of New Community

- 4.2.6 The Nunatsiavut Assembly may, in terms of an Inuit law, provide for the establishment or reestablishment of a permanent community in Labrador Inuit Lands north of Nain or elsewhere in Nunatsiavut, and despite sections 1.2.1, 1.2.2 and 1.2.3, may amend sections 4.1.2 and 4.2.1 by simple majority vote to provide for representation of such community in the Nunatsiavut Assembly.

Part 4.3 Members of the Nunatsiavut Assembly

Who may be Members of the Nunatsiavut Assembly

- 4.3.1 Only Labrador Inuit may be members of the Nunatsiavut Assembly.

Qualification for Ordinary Membership in Nunatsiavut Assembly.

- 4.3.2 Every Labrador Inuk who is qualified to vote for the Nunatsiavut Assembly and who ordinarily resides in the constituency that he or she represents is eligible to be an ordinary member of the Nunatsiavut Assembly, except an Inuk:
- (a) who is appointed by or is in the service of, the Nunatsiavut Government and is paid for that appointment or service;
 - (b) who is declared to be of unsound mind by a court of competent jurisdiction;
 - (c) who is an undischarged bankrupt;
 - (d) who has been convicted of an indictable offense and whose sentence was completed less than 5 years prior to the date on which the election is called or who has been convicted of a summary conviction offense and whose sentence is not completed prior to the date on which the election is called; or
 - (e) who is in arrears in the payment of any taxes payable to the Nunatsiavut Government or an Inuit Community Government.

Loss of Membership

- 4.3.3 A person automatically loses membership in the Nunatsiavut Assembly if that person:
- (a) ceases to be eligible;
 - (b) resigns; or
 - (c) despite section 4.3.7, is absent from the Assembly without permission in circumstances for which the rules and orders of the Assembly prescribe loss of membership.

Loss of Membership as a Result of Conviction for an Offence

- 4.3.4 A person automatically loses membership in the Nunatsiavut Assembly if that person is convicted of a crime, either in Nunatsiavut or elsewhere, but no person may be regarded as having been convicted of a crime until an appeal against the conviction has been determined or until the time for an appeal has expired.

Filling of Vacancies

- 4.3.5 Vacancies in the Nunatsiavut Assembly must be filled in terms of Inuit law.

Oath of Office

- 4.3.6 Before members of the Nunatsiavut Assembly begin to perform their functions in the Assembly, they must make an oath or solemn affirmation, administered by the President, as follows:

“In the presence of everyone assembled here, and in full realization of the high calling I assume as a member of the Nunatsiavut Assembly and that the powers entrusted to me are for the benefit of all Labrador Inuit I, A. B., swear/solemnly affirm that I will be faithful to the Inuit and to Nunatsiavut and will obey, respect and uphold the Labrador Inuit Constitution and all Inuit laws; and I solemnly promise to fulfill my responsibilities as a leader and to perform my functions as a member of the Nunatsiavut Assembly to the best of my ability. (In the case of an oath: So help me God.)”

Removal from Office

- 4.3.7 A member of the Nunatsiavut Assembly may be removed from office as a member by a resolution of the Nunatsiavut Assembly adopted with a supporting vote of at least 60% of its members only on the grounds of:
- (a) a serious violation of the Labrador Inuit Constitution or Inuit law;
 - (b) becoming unable to perform the functions of office; or
 - (c) unethical or immoral behaviour, including a serious breach of any code of conduct, including a code of ethics and conflict of interest guidelines, that may be established by the Assembly for its members.

Part 4.4 Duration of Nunatsiavut Assembly

Normal Duration of Assembly

- 4.4.1 The Nunatsiavut Assembly is elected for a term of 4 years.

Extraordinary Dissolution of Nunatsiavut Assembly

- 4.4.2 A Nunatsiavut Assembly may be dissolved before the expiry of a term if:
- (a) the Nunatsiavut Assembly resolves that it should be dissolved and if the resolution is passed with at least 2/3 of the total number of seats voting in favour of dissolution; or

- (b) the President has removed from office the First Minister and the Nunatsiavut Assembly has been unable for a period of 28 days to nominate one of its members for appointment as First Minister.

Part 4.5 Ordinary General Elections

First Ordinary General Election

- 4.5.1 The day on which the poll at the first ordinary general election for membership of the Nunatsiavut Assembly will be held shall be set by order of the President of Nunatsiavut no later than 12 months after the effective date of the Labrador Inuit Constitution and the President may also, by order:
 - (a) if necessary, establish the rules for the first ordinary general election; and
 - (b) set the day, time and place for the meeting of the Nunatsiavut Assembly following that poll

Subsequent Ordinary General Elections

- 4.5.2 The poll at subsequent ordinary general elections for the Nunatsiavut Assembly shall be held on the first Tuesday in May in the fourth calendar year following that in which the previous ordinary general election was held, unless the day of the poll is varied by an order under section 4.5.4.

Ordinary Dissolution of Assembly prior to Ordinary Election

- 4.5.3 If an ordinary general election for the Nunatsiavut Assembly is to be held in accordance with section 4.5.2 the Assembly shall be dissolved by virtue of this section, whether or not it is then sitting, at 12:00 noon on the first Tuesday of the immediately preceding April.

Variation in Date for Holding Poll

- 4.5.4 The President of Nunatsiavut may, acting on the advice of the First Minister of Nunatsiavut, order a day for the holding of the poll in an ordinary general election for the Nunatsiavut Assembly which is not more than 1 month earlier nor more than 1 month later, than the first Tuesday in May and the order shall dissolve the Assembly at 12:00 noon on the 28th day prior to the date set for the poll in the order.

Part 4.6 Extraordinary General Elections

When an extraordinary general election is held.

- 4.6.1 An extraordinary general election for the Nunatsiavut Assembly shall be held following an extraordinary dissolution of the Assembly.

President to Set Date of Extraordinary General Election

- 4.6.2 If the Nunatsiavut Assembly is dissolved under section 4.4.2, the President must immediately issue an order:
 - (a) dissolving the Assembly; and

- (b) setting the day on which the poll at the extraordinary general election for the Nunatsiavut Assembly will be held.

Time Limit for Date of Extraordinary Election

- 4.6.3 The date set for an extraordinary election for the Nunatsiavut Assembly shall be no sooner than 28 days after the date of the extraordinary dissolution of the Assembly and no later than 34 days following the date of dissolution.

Next Ordinary Election following an Extraordinary Election

- 4.6.4 After an extraordinary general election for the Nunatsiavut Assembly has been held, the poll at the next ordinary general election shall be held on the first Tuesday in May in the fourth calendar year following that in which the extraordinary general election was held, unless the day of the poll is varied by an order under section 4.5.4.

Part 4.7 Convening of Nunatsiavut Assembly after an Election

Nunatsiavut Assembly to Convene within 14 days

- 4.7.1 The President shall issue an order requiring the Nunatsiavut Assembly to meet on a day set by the order which shall be within the period of 14 days beginning immediately after the day of the poll in an ordinary or extraordinary election for the Assembly.

Part 4.8 Calculating Times for Elections and Meetings of Nunatsiavut Assembly

Calculating time for election.

- 4.8.1 In calculating the period of days for purposes of the holding of an extraordinary election for the Nunatsiavut Assembly, New Years Day, Good Friday, Easter Monday, Canada Day, Labour Day, Christmas Day and Boxing Day or a day appointed for public thanksgiving or public mourning (including Thanksgiving Day and Remembrance Day) shall be disregarded.

Calculating times for convening of Nunatsiavut Assembly

- 4.8.2 In calculating the period of days for convening the Nunatsiavut Assembly following an ordinary or extraordinary general election for the Assembly, in addition to the days referred to in section 4.8.1, Sundays shall be disregarded.

Part 4.9 Candidates

Candidate to be Resident in the Constituency

- 4.9.1 At a general election, a Labrador Inuk may stand for return only in the constituency in which he or she is ordinarily resident.

Candidate may not Stand in more than One Constituency

4.9.2

A Labrador Inuk may not be a candidate to be a member of the Nunatsiavut Assembly:

- (a) in more than one constituency; or
- (b) if he or she is a member of the Parliament of Canada or a legislative assembly or legislative council other than the Nunatsiavut Assembly.

Part 4.10 Voting

All votes to be secret.

4.10.1

All votes cast in elections for the Nunatsiavut Assembly must be secret.

Who May Vote

4.10.2

In each constituency referred to in section 4.2.1 a Labrador Inuk of the full age of 16 years who is ordinarily resident in the constituency, except one who has been declared to be of unsound mind by a court of competent jurisdiction, may vote to decide which candidate or candidates will represent the constituency in the Nunatsiavut Assembly.

Mail Ballot

4.10.3

For purposes of the election of a member or members to represent the constituency referred to in subsection 4.2.1(g) each Labrador Inuk who is eligible to vote may vote by mail and a mail ballot must be forwarded to each of those Inuit at his or her last known address.

Number of Votes

4.10.4

Each Labrador Inuk entitled to vote as an elector in an ordinary or extraordinary election for the Nunatsiavut Assembly shall have the same number of votes as the number of members of the Assembly to be returned by the constituency in which the elector is eligible to vote.

Voting Rules

4.10.5

A Labrador Inuk entitled to vote as an elector at an election for the Nunatsiavut Assembly:

- (a) shall not vote more than once for one candidate;
- (b) may withhold from voting one or more votes that he or she is entitled to make; and
- (b) shall not vote as elector in more than one constituency.

Part 4.11 Election Rules, Procedures and Offenses

Nunatsiavut Assembly to Provide for Election Rules and Procedures

4.11.1

At its first sitting after the Labrador Inuit Constitution comes into effect, the Nunatsiavut Assembly must enact an Inuit law providing for free and fair election of ordinary members of the Nunatsiavut Assembly and the law must provide for:

- (a) the appointment, powers and functions of an electoral officer to preside over elections;
- (b) preparation of lists of persons entitled to vote as electors;
- (c) notice of elections, candidates and procedures;
- (d) nomination of candidates;
- (e) election materials including ballot papers;
- (f) the method of voting, whether in person, by mail or by electronic means;
- (g) advance polls;
- (h) participation by disabled voters;
- (i) verification of procedures and practices and record keeping;
- (j) voting in institutions such as hospitals and prisons;
- (k) counting of ballots;
- (l) reporting and announcement of results;
- (m) recounts;
- (n) challenges of elections;
- (o) corrupt practices;
- (p) invalidation of elections;
- (q) election offenses;
- (r) recognition and registration of political parties;
- (s) control of election spending and the making of campaign contributions; and
- (t) such other matters as may promote free and fair elections of ordinary members of the Nunatsiavut Assembly.

Election Offenses

4.11.2

The following are election offenses and are prohibited:

- (a) directly or indirectly paying a person to vote, to vote for a party or candidate or not to vote;
- (b) directly or indirectly obtaining, offering or promising employment, a contract or an office in return for a vote or refraining from voting;
- (c) directly or indirectly obtaining, offering or promising a gift in return for a vote or refraining to vote;
- (d) directly or indirectly intimidating a person to vote or to refrain from voting;
- (e) directly or indirectly impeding or preventing the free exercise of the right to vote or to refrain from voting, influencing a returning officer or any other official involved in the conduct of an election; and
- (f) intimidation, bribery or payment of a candidate in an election.

Part 4.12 Vacancies

By-Election

4.12.1

Where the seat of an ordinary member is vacant, an election shall be held to fill the vacancy.

Date of By-Election

4.12.2

The date of the poll to fill a vacancy shall be fixed by the President of Nunatsiavut.

Notice of By-Election

4.12.3

No less than 28 days notice shall be given of a poll to fill a vacancy.

Time Limit for calling a By-Election

4.12.4

The date fixed by the President of Nunatsiavut for a poll to fill a vacancy must be given within 60 days of the beginning of the occurrence of the vacancy.

By-Election not to be Held

4.12.5

A by-election shall not be held if the latest date for holding the poll would fall within the period of 3 months that ends with the day on which the poll at the next ordinary general election would normally be held.

Candidates in By-Election

4.12.6

A person may not be a candidate in a by-election if that person is a member of the Nunatsiavut Assembly or a candidate in another election to fill a vacancy.

Part 4.13 Term of Office of Members of Nunatsiavut Assembly

Term of Office

4.13.1

The term of office of a member of the Nunatsiavut Assembly begins on the day on which the member is declared to be returned and ends with the dissolution of the Nunatsiavut Assembly.

Resignation of Members

4.13.2

A member of the Nunatsiavut Assembly may at any time resign from the Assembly by giving notice in writing to the President.

Disqualification from Membership of the Assembly

4.13.3. A person is disqualified from being a member of the Nunatsiavut Assembly if he or she is or becomes a member of the Parliament of Canada or a member of another legislative assembly or legislative council.

Exception

4.13.4

Section 4.13.3 does not apply to an AngajukKâk.

Effect of Disqualification

4.13.5

If a person who is disqualified from being a member of the Nunatsiavut Assembly is returned as a member of the Assembly, that person's return shall be void and that seat shall be vacant.

4.13.6

If a member of the Nunatsiavut Assembly becomes disqualified from being a member of the Assembly or from being a member for the particular constituency for which that member is sitting, he or she shall cease to be a member of the Assembly and his or her seat shall be vacant.

Contested Proceedings related to Disqualification

4.13.7

If a member of the Nunatsiavut Assembly is contesting a proceeding with respect to mental capacity, insolvency or the payment of taxes, the member's seat is not vacant until the matter being contested is finally determined but such a member shall not participate in any proceedings of the Assembly until the matter in dispute is finally resolved.

Validity of Proceedings

4.13.8

Subject to section 4.13.9, the validity of any proceedings of the Nunatsiavut Assembly is not affected by a vacancy or by the disqualification of any person from being a member of the Assembly or from being a member for the constituency which he or she purports to represent.

Proceedings as to Disqualification

4.13.9

Any Labrador Inuk, including a member of the Nunatsiavut Assembly, who claims that a person purporting to be a member of the Nunatsiavut Assembly is disqualified or has been disqualified at any time since being returned may apply to the Nunatsiavut Assembly for a declaration to that effect.

Application as to Disqualification Must be Submitted to President

4.13.10

An application under section 4.13.9 shall be submitted in writing to the President who shall convene a meeting of the Nunatsiavut Assembly for the purpose of considering the application.

Applicant to be Heard

4.13.11

At the hearing of an application as to disqualification the applicant or their representative must appear in person and the applicant has the burden of establishing that the person in respect of whom the application is made is disqualified to be a member of the Nunatsiavut Assembly.

Person Challenged must be Heard

4.13.12

The person in respect of whom an application of disqualification is made, or their representative, may respond to the application and must be heard.

Decision of Assembly is Final

4.13.13

The decision of the Nunatsiavut Assembly on an application as to disqualification under section 4.13.9 is final.

Assembly may make Rules for Proceedings as to Disqualification

4.13.14

The Nunatsiavut Assembly may make rules respecting the procedures to be followed in proceedings as to the disqualification of a member of the Assembly.

Part 4.14 Proceedings and Standing Orders of Nunatsiavut Assembly

Standing Orders

4.14.1

The proceedings of the Nunatsiavut Assembly shall be regulated by standing orders.

Preservation of Order

4.14.2 The standing orders must :

- (a) provide for the office of the Speaker of the Nunatsiavut Assembly who ;
 - (i) must be an ordinary member of the Nunatsiavut Assembly elected by the Assembly on nomination of the President of Nunatsiavut; and
 - (ii) shall represent and speak for the Nunatsiavut Assembly, preside over the debates of the Nunatsiavut Assembly, enforce observance of the standing orders and rules of the Nunatsiavut Assembly , control accommodations and services of the premises and precincts occupied by the Nunatsiavut Assembly, and perform such other functions and exercise such other powers as the Nunatsiavut Assembly may prescribe; and
- (b) include provision for preserving order in the proceedings of the Nunatsiavut Assembly, including provision for preventing conduct which would constitute a criminal offense or a contempt of court.

Exclusion of Members

4.14.3

The standing orders for the preservation of order in the proceedings of the Nunatsiavut Assembly may provide for excluding a member of the Assembly from proceedings of the Assembly.

Withdrawal of Rights and Privileges

4.14.4

The standing orders may include provision for withdrawing from a member of the Nunatsiavut Assembly the rights and privileges of a member.

Proceedings to be in Public

4.14.5

The standing orders must:

- (a) require the proceedings of the Nunatsiavut Assembly to be held in public, except in such exceptional circumstances as the standing orders may provide; and
- (b) require the proceedings of the Nunatsiavut Assembly and all committees and sub-committees to be held at times that accommodate the needs of women members and the needs of members who are caregivers.

Conditions for Public Attendance at Proceedings of the Assembly

4.14.6

The standing orders may:

- (a) establish conditions to be complied with by any member of the public attending the proceedings of the Nunatsiavut Assembly, including provision for excluding from the proceedings any member of the public who does not comply with those conditions;
- (c) distinguish between proceedings of the assembly that are open to all members of the public and those that are open only to Labrador Inuit; and
- (d) distinguish between Labrador Inuit and other members of the public for purposes of attending proceedings of the Assembly.

Reporting and Publishing of Proceedings

4.14.7

The standing orders of the Nunatsiavut Assembly may include provision for reporting the proceedings of the Assembly and for publishing the reports.

Committees

4.14.8

The standing orders of the Nunatsiavut Assembly may provide for the appointment of committees and may include provision for committees to have power to appoint subcommittees.

Committees to be Balanced

4.14.9 The standing orders of the Nunatsiavut Assembly must include provision for ensuring that, in appointing members to committees and sub-committees, regard is had to:

- (a) the balance of interests in the Assembly including, if political parties are represented in the Assembly, the balance of political parties; and
- (b) the balance of men and women.

Non-Members on Committees

4.14.10

The standing orders of the Nunatsiavut Assembly may include provision for appointing persons who are not members of the Nunatsiavut Assembly to a committee or subcommittee and may also make provision for excluding from the proceedings of a committee or subcommittee a member of the Assembly who is not a member of the committee or subcommittee.

4.14.11

If women are not represented in the Nunatsiavut Assembly or are under-represented in the Nunatsiavut Assembly, the standing orders of the Assembly must include provision for appointing women who are not members of the Assembly to committees and sub-committees.

Restriction on the Number of Non-Members on Committees

4.14.12

The number of persons who are not members of the Nunatsiavut Assembly who are appointed to a committee or subcommittee of the Assembly shall not exceed 25% of the members of the committee or subcommittee, as the case may be.

Power to Call for Witnesses and Documents

4.14.13

The Nunatsiavut Assembly may require a person to attend its proceedings for the purpose of giving evidence or to produce any documents in or under that person's custody or control concerning any matter for which any member of the Nunatsiavut Executive has general responsibility.

People Exempt from being Compelled as Witnesses

4.14.14

The Nunatsiavut Assembly may not require a judge of any court to be a witness or to produce any documents and may not require a member of any independent tribunal to be a witness or to produce any documents in connection with the discharge by that member of his or her functions with respect to the tribunal.

Power of Committees to call Witnesses and Compel Documents

4.14.15

The standing orders of the Nunatsiavut Assembly may, by express provision, confer on a committee or subcommittee of the Assembly the power to call for witnesses and documents under section 4.14.13.

Rights of Witnesses

4.14.16

Any person who is required to attend the proceedings of the Nunatsiavut Assembly for the purposes of giving evidence or to produce documents is not obliged to answer any question or produce any document which that person would be entitled to refuse to answer or produce in proceedings in a court in Newfoundland and Labrador.

Petitions

4.14.17

The Nunatsiavut Assembly or any of its committees or subcommittees may receive petitions, representations or submissions from any interested person or institution.

Financial and Administrative Assistance to Members

4.14.18

The rules and orders of the Nunatsiavut Assembly must provide for financial and administrative assistance to each member of the Assembly so as to enable the members to perform their functions in the Assembly effectively.

Part 4.15 Decisions

Quorum for Decisions

4.15.1

Six ordinary members of the Nunatsiavut Assembly and the President must be present before a decision may be made by the Nunatsiavut Assembly except:

- (a) where the Labrador Inuit Constitution requires that a decision must be made with the support of a specified majority in which case the quorum shall be that number; or
- (b) where a standing order of the Nunatsiavut Assembly provides for a larger number.

Consensus Decisions

4.15.2

Reasonable efforts must be made by the Nunatsiavut Assembly to make all decisions, including decisions under section 5.4.1, by consensus of the members.

Presidential Discretion to call for a Vote

4.15.3

The President of Nunatsiavut has the sole and exclusive discretion to determine whether or not reasonable efforts have been made by the Nunatsiavut Assembly to reach a decision by consensus and the President has the sole discretion at all times to call for a vote on any bill, decision or question before the Assembly.

President to Call for Consensus Decisions

4.15.4

Before any decision of the Nunatsiavut Assembly is made by consensus, the President of Nunatsiavut must ask the Assembly whether there is consensus on the question and if any member of the Assembly answers in the negative, a vote must be held on the question.

Decisions by Consensus are Unanimous

4.15.5

A bill that is passed by consensus shall be deemed for all purposes to have been unanimously passed, a question that is decided by consensus shall be deemed for all purposes to have been unanimously decided and any decision or action that is taken with the consensus of the members shall be deemed for all purposes to have been unanimously decided or taken.

Decisions by Majority of Votes Cast

4.15.6

If a bill, question or other decision before the Nunatsiavut Assembly is decided on a vote of the members, the bill, question or decision shall be made by a majority of the votes cast unless the

Labrador Inuit Constitution, an Inuit law or a standing order expressly requires that the bill, question or decision must be made by a larger majority.

Vote of the Presiding Officer

4.15.7

The President of Nunatsiavut or other member of the Nunatsiavut Assembly presiding at a meeting of the Assembly normally has no deliberative vote, but:

- (a) must cast a deciding vote when there is an equal number of votes on each side of a question; and
- (b) may cast a deliberative vote where a question must be decided with a supporting vote of 2/3 or more of the members of the Assembly.

Nothing in this section detracts from the provisions respecting voting under section 3.5.1.

Part 4.16 Privileges of Members of the Nunatsiavut Assembly

Constitutional Privileges of Members

4.16.1

The President of Nunatsiavut, members of the Nunatsiavut Executive Council and members of the Nunatsiavut Assembly have freedom of speech in the Assembly and in its committees and subcommittees subject to the rules and orders of the Assembly.

Liability for Statements made in the Assembly

4.16.2

The President of Nunatsiavut, members of the Nunatsiavut Executive Council and members of the Nunatsiavut Assembly are not liable to proceedings, penalties or damages under any Inuit law for anything that they have said in, produced before or submitted to the Nunatsiavut Assembly or any of its committees or subcommittees or for anything revealed as a result of any statement in, production before or submission to the Assembly or any of its committees or subcommittees.

Additional Privileges

4.16.3

Other privileges and immunities of the President of Nunatsiavut, members of the Nunatsiavut Executive Council and members of the Nunatsiavut Assembly may be prescribed by Inuit law.

Salaries and Allowances

4.16.4

Salaries, allowances and benefits payable to the President of Nunatsiavut, members of the Nunatsiavut Executive Council and members of the Nunatsiavut Assembly shall be paid as a direct charge against the Nunatsiavut Consolidated Revenue Fund.

Part 4.17 Inuit involvement in Nunatsiavut Assembly

Assembly to facilitate Inuit involvement.

4.17.1

In addition to the other provisions of the Labrador Inuit Constitution which are intended to promote Labrador Inuit access to and involvement in the processes of the Nunatsiavut Assembly, the Assembly must facilitate involvement of Labrador Inuit in the legislative and other processes of the Assembly and its committees and subcommittees.

4.17.2

Recognizing that Labrador Inuit women have historically been under-represented in many of the political, social, cultural and economic institutions of Labrador Inuit society, the Nunatsiavut Assembly and the Nunatsiavut Government, the Inuit Community Governments and the Inuit Community Corporations must take practical and positive measures, which may include the enactment of Inuit laws by the Nunatsiavut Assembly, to facilitate and promote the equal participation of Labrador Inuit women in the political, social, cultural and economic institutions of Labrador Inuit society.

Assembly to Conduct its Business in Accessible Places

4.17.3

The Nunatsiavut Assembly must hold its sittings and those of its committees and subcommittees in places accessible to the Labrador Inuit public.

Reasonable Restrictions on Access

4.17.4

Nothing in section 4.14.5 or 4.17.3 prevents the Nunatsiavut Assembly from taking reasonable measures to:

- (a) regulate public access, including access by the media, to the Assembly and its committees and subcommittees;
- (b) provide for the searching of any person; and
- (c) refuse entry to or remove any person from the Assembly or any of its committees or subcommittees.

Exclusion from Committees

4.17.5

The Nunatsiavut Assembly may not exclude the Labrador Inuit public, including media owned or controlled by Inuit, from a sitting of a committee or subcommittee unless it is reasonable and justifiable to do so in an open and democratic society.

Part 4.18 Nunatsiavut Legislative Process

Legislative Authority of the Nunatsiavut Assembly

4.18.1

The Nunatsiavut Assembly may make laws, referred to as Inuit laws, on any matter that is within the legislative competence of the Nunatsiavut Government. The legislative authority of the Nunatsiavut Government is defined by the Labrador Inuit Land Claims Agreement.

4.18.2

Proposed Inuit laws are referred to as bills and a bill becomes Inuit law when it has been passed twice by the Nunatsiavut Assembly and has been assented to by the President of Nunatsiavut, except for an emergency bill which, despite the other provisions of this part, may be made law after only 1 reading.

Assent to Bills

4.18.3

A bill receives assent at the beginning of the day following the day on which the President of Nunatsiavut signs the bill under the Nunatsiavut seal and the bill, so signed and sealed, is entered in the register of Inuit laws and a duplicate copy is forwarded to the Inuit Court for safe keeping.

Date of Assent

4.18.4

The date of assent shall be written on the Inuit law by the President and shall form part of the Inuit law.

Validity of Law

4.18.5

The validity of an Inuit law is not affected by any invalidity in the proceedings of the Nunatsiavut Assembly leading to its enactment.

Judicial Notice of Inuit Law

4.18.6

Every Inuit law shall be judicially noticed.

Publication of Inuit Laws

4.18.7

Every Inuit law shall be published promptly in Inuttut and English by the Nunatsiavut Executive Council and the costs of publication shall be a charge on the Nunatsiavut Consolidated Revenue Fund.

Legislation outside Competence of Nunatsiavut Assembly

4.18.8

An Inuit law is not law so far as any provision of the Inuit law is outside the legislative competence of the Nunatsiavut Assembly.

Review of Bills to Ensure Legislative Competence

4.18.9

No bill may be introduced in the Nunatsiavut Assembly until it has been reviewed by the Nunatsiavut Executive Council to ensure that it is within the legislative competence of the Nunatsiavut Assembly and every bill introduced in the Nunatsiavut Assembly shall contain a

written statement signed by the First Minister of Nunatsiavut stating that in the opinion of the Council the provisions of the bill would be within the legislative competence of the Assembly.

Money Bills

4.18.10

Only the First Minister of Nunatsiavut or the Nunatsiavut Treasurer may introduce a money bill in the Nunatsiavut Assembly.

Introduction of Bills by Members

4.18.11

Only the President of Nunatsiavut, a member of the Nunatsiavut Executive Council or a member of the Nunatsiavut Assembly may introduce a bill in the Nunatsiavut Assembly, subject to sections 4.18.9 and 4.18.10.

Priority of Bills

4.18.12

Bills dealing with emergencies shall take precedence over, and be considered in priority over, any other bill and thereafter bills shall have the following order of precedence and be considered in the following order of priority:

- (a) money bills;
- (b) bills introduced by the President of Nunatsiavut;
- (c) bills introduced by the Nunatsiavut Executive Council; and
- (e) Bills introduced by members of the Nunatsiavut Assembly in order of the date on which they are first introduced unless political parties are represented in the Assembly in which case the order of precedence shall be as follows:
 - (i) Bills introduced by the Official Opposition;
 - (ii) Bills introduced by minority parties;
 - (iii) Bills introduced by independent members; and
 - (iv) Bills introduced by members of the governing party other than members of the Executive Council.

Amendment of Bills

4.18.13

A bill may be amended on first reading and on second reading.

Decisions on First Reading

4.18.14

On first reading, after all amendments have been considered, the Nunatsiavut Assembly may decide:

- (a) to reject the bill;
- (b) to refer the bill to public hearing by a committee or subcommittee of the Nunatsiavut Assembly;
- (c) to refer the bill for further study and consideration to a committee or subcommittee of the Nunatsiavut Assembly; or
- (d) to refer the bill for second reading but in this event the bill shall not be read a second time in the Nunatsiavut Assembly until the expiry of 10 business days during which Labrador Inuit may make submissions or representations to the Assembly about the bill.

Considerations on Second Reading

4.18.15

On second reading of a bill the Nunatsiavut Assembly shall consider public submissions and representations with respect to the bill, if any, recommendations of the committee or subcommittee to which the bill was referred on first reading, and any further amendments proposed by members of the Assembly.

Decisions on Second Reading

4.18.16

On second reading of a bill, after all amendments have been made, the bill may be passed or rejected.

Stages of Bill may be varied by Assembly

4.18.17

The requirements of subsections 4.18.14(b), (c) and (d) may be waived by unanimous decision of the Nunatsiavut Assembly.

Standing Orders to provide for Specific Bills

4.18.18

The Nunatsiavut Assembly may make standing orders that make provision different from that required by subsection 4.18.14 for the procedure that applies to bills which restate Inuit law; bills which repeal spent enactments; and private bills.

Reconsideration of Bills deemed Unconstitutional

4.18.19

The Nunatsiavut Assembly must make standing orders to provide for an opportunity for the reconsideration of a bill after its passing if:

- (a) the President of Nunatsiavut has remitted the bill to the Nunatsiavut Assembly for reconsideration on the grounds that it is unconstitutional or is outside the legislative competence of the Assembly; or
- (b) the bill has been referred by the President to the Inuit Court and it is the opinion of the Inuit Court that the bill is unconstitutional or beyond the legislative competence of the Nunatsiavut Assembly.

Bills Amending the Labrador Inuit Constitution

4.18.20

A bill to amend a provision of the Labrador Inuit Constitution listed on Schedule 1-A must be passed by the Nunatsiavut Assembly, on each reading, with a supporting vote of at least 60% of its members. A bill to amend a provision of the Labrador Inuit Constitution listed on Schedule 1-B must be passed by the Nunatsiavut Assembly, on each reading, with a supporting vote of at least 75% of its members.

Content of Bills to amend Constitution

4.18.21

A bill amending the Labrador Inuit Constitution may not include provisions other than constitutional amendments and matters connected with the amendments.

Money Bills

4.18.22

A bill that appropriates money or imposes taxes, levies, duties or fees is a money bill.

Content of Money Bills

4.18.23

A money bill may not deal with any other matter except a subordinate matter incidental to the appropriation of money or the imposition of taxes, levies, duties or fees.

Content of Bills disposing of Labrador Inuit Lands

4.18.24

A bill that disposes of the entire Labrador Inuit estate in a parcel of Labrador Inuit Lands may not deal with any other matter except a subordinate matter incidental to the disposal of those lands and must stipulate that :

- (a) the conveyance is to Her Majesty The Queen in Right of Canada or in Right of Newfoundland and Labrador; and
- (b) any consideration, payment or other benefit for the disposal of the Inuit title shall be paid to or vested in the Inuit Settlement Trust.

Special Majority required for Bills Disposing of Labrador Inuit Lands

4.18.25

A bill that disposes of the entire Labrador Inuit estate in a parcel of Labrador Inuit Lands may be passed by the Nunatsiavut Assembly only with a supporting vote of at least 60% of its members.

Prohibition on Conveyance of Inuit Title

4.18.26

The entire estate of the Labrador Inuit in Labrador Inuit Lands shall not be disposed of to the Crown in Right of Canada or the Crown in Right of Newfoundland and Labrador unless the conveyance of Inuit title has been approved by an Inuit law made in accordance with the provisions of this part.

Part 4.19 Assent to Bills Passed by Nunatsiavut Assembly

Assent to Ordinary Bills

4.19.1

The President of Nunatsiavut must either assent to an ordinary bill passed in terms of part 4.18 or, if the President has reservations about the constitutionality of the bill, refer it back to the Nunatsiavut Assembly for reconsideration or refer it to the Inuit Court for the opinion of the court. An ordinary bill is a bill other than a bill to amend the Labrador Inuit Constitution, or a bill to dispose of the entire estate of the Labrador Inuit in Labrador Inuit Lands.

Assent after Reconsideration

4.19.2

If, after reconsideration, a bill fully accommodates the Nunatsiavut President's reservations as to constitutionality, the President must assent to and sign the bill but if not, the President must either assent to and sign the bill or refer it to the Inuit Court for a decision on its constitutionality.

Assent after Decision of Inuit Court

4.19.3

If the Inuit Court decides that a bill is constitutional, the President of Nunatsiavut must assent to and sign it.

Assent to Bills Amending the Labrador Inuit Constitution

4.19.4

The President of Nunatsiavut must not assent to a bill to amend a provision of the Labrador Inuit Constitution referred to in Schedule 1-A unless it has been approved with a supporting vote of at least 60% of the qualified Labrador Inuit who participate in a referendum held for purposes of approving or rejecting the bill to amend the Labrador Inuit Constitution.

Assent to Bills conveying Title in Labrador Inuit Lands

4.19.5

The President must not assent to a bill that disposes of the entire estate of the Labrador Inuit in Labrador Inuit Lands:

- (a) to any person other than Her Majesty the Queen in Right of Canada or Her Majesty the Queen in Right of Newfoundland and Labrador; and
- (b) unless the bill has first been approved by a supporting vote of at least 60% of the qualified Labrador Inuit who vote in a referendum for the purpose of approving the bill.

Part 4.20 Publication, Register and Proof of Inuit laws

Publication of Inuit laws

4.20.1

An Inuit law must be published promptly by the Nunatsiavut Executive Council in English and Inuttut.

Nunatsiavut Executive Council is responsible for Publication of Inuit Laws

4.20.2

The Nunatsiavut Executive Council must print and publish all Inuit laws and subordinate legislation.

Evidence of Inuit Law and Subordinate Legislation

4.20.3

A printed copy of an Inuit law or subordinate legislation that is published by the Nunatsiavut Executive Council and that contains a reproduction of the Nunatsiavut Seal is prima facie evidence of the Inuit law or subordinate legislation.

Safekeeping of Inuit Law and Subordinate Legislation

4.20.4

The original copy of a bill or subordinate legislation assented to by the President of Nunatsiavut shall be maintained by the President in a register of Inuit laws and a copy of an extract from the register issued under the signature of the President or other official designated by the Nunatsiavut Assembly and under the seal of Nunatsiavut is conclusive evidence of that Inuit law or subordinate legislation.

Duplicate Original Copies of Inuit Laws

4.20.5

A duplicate original copy of every Inuit law and all subordinate legislation signed, dated and sealed by the President of Nunatsiavut shall be entrusted to the Inuit Court for safekeeping and the production of a duplicate original that has been entrusted to the Inuit Court issued under the signature of a judge of the Inuit Court is conclusive evidence of the Inuit law or subordinate legislation.

Part 4.21 Subordinate Legislation

Power to Make Subordinate Legislation

4.21.1

The power of the Nunatsiavut Assembly to make a law with respect to a matter includes the power to authorize the making of subordinate legislation with respect to that matter by the Nunatsiavut Executive Council or a member of the Council.

Subordinate Legislation to be made in terms of Inuit law

4.21.2

Subordinate legislation must be made in terms of the Labrador Inuit Constitution and Inuit law.

Making of Subordinate Legislation

4.21.3 In order to be of legal force and effect subordinate legislation must be in writing and be signed by the President of Nunatsiavut under the Nunatsiavut Seal.

Register of Subordinate Legislation

4.21.4

The President of Nunatsiavut and the Inuit Court shall keep the original and a duplicate copy, respectively, of all subordinate legislation.

Subordinate Legislation to be Published

4.21.5

The Nunatsiavut Executive Council must publish promptly all subordinate legislation in Inuttut and English.

Meaning of Subordinate Legislation

4.21.6

Subordinate legislation means a regulation, proclamation, rule, order, bylaw or instrument that is of a legislative nature but does not include a bylaw of an Inuit Community Government or an Inuit Community Corporation.

Part 4.22 Ethical Conduct and Maladministration

Nunatsiavut Assembly to Establish Codes of Conduct

4.22.1

The Nunatsiavut Assembly must establish codes of conduct, including a code of ethics and conflict of interest guidelines, for members of the Nunatsiavut Assembly, the Nunatsiavut Executive Council, Inuit Community Governments and Inuit Community Corporations and their respective staff and employees.

Investigation of Maladministration

4.22.2

The Nunatsiavut Assembly must make provision for the investigation of serious complaints made to members of the Nunatsiavut Assembly in respect of any action or omission in his or her official capacity by:

- (a) a member of the Nunatsiavut Assembly;
- (b) a member of the Nunatsiavut Executive Council;
- (c) an AngajukKâk or member of an Inuit Community Council;
- (d) a member of the executive committee of an Inuit Community Corporation;
- (e) an employee of any of them.

Official to Deal with Grievances against Governments

4.22.3

The Nunatsiavut Assembly may, in terms of an Inuit law, establish an official office to which Inuit may take grievances connected with the Nunatsiavut Government, an Inuit Community Government or an Inuit Community Corporation.

Part 4.23 Legal Matters Related to the Nunatsiavut Assembly

Legal Proceedings By or Against Nunatsiavut Assembly

4.23.1

Proceedings by or against the Nunatsiavut Assembly shall be instituted by or, as the case may be, against the Nunatsiavut Government on behalf of the Nunatsiavut Assembly.

Legal Proceedings by or Against President and Members of the Assembly

4.23.2

Proceedings by or against the President of Nunatsiavut, any member of the Nunatsiavut Executive Council, any member of the Nunatsiavut Assembly or any member of the staff of the Nunatsiavut Government in relation to their offices, functions and responsibilities shall be instituted by or, as the case may be, against the Nunatsiavut Government on behalf of the person involved.

Legal Relief against Nunatsiavut Assembly

4.23.3

In any proceedings against the Nunatsiavut Assembly, the court shall not make a permanent, temporary or interim order for, or order in the nature of, an injunction, mandamus, prohibition, interdiction, suspension, specific performance or other similar relief but may, instead, make a declaration.

Relief against Members of Assembly

4.23.4

In any proceedings against the President of Nunatsiavut, any member of the Nunatsiavut Executive Council, any member of the Nunatsiavut Government or any member of the staff of the Nunatsiavut Government, the court shall not make any order against such person if the effect of doing so would be to give any relief against the Nunatsiavut Assembly which could not have been given in proceedings against the Assembly under section 4.23.3.

Immunity from Damages

4.23.5

A member of the Nunatsiavut Assembly shall not be liable, in damages or otherwise, for any act done under authority of the Nunatsiavut Assembly and within its legal power, or under a warrant issued under that authority.

Freedom of Members from Legal Proceedings

4.23.6

A member of the Nunatsiavut Assembly shall not be liable to any proceedings, penalties or damages under any Inuit law because of a matter or thing brought by that member by petition, bill, resolution, motion or otherwise before the Assembly.

CHAPTER 5

THE NUNATSIAVUT EXECUTIVE COUNCIL

Part 5.1 Composition of Nunatsiavut Executive Council

Members of the Nunatsiavut Executive Council

5.1.1

There shall be a Nunatsiavut Executive Council whose members shall be:

- (a) The President of Nunatsiavut;
- (b) The First Minister of Nunatsiavut who is appointed by the President upon nomination of the Nunatsiavut Assembly in accordance with the Labrador Inuit Constitution;
- (c) A minister responsible for the financial management and administration of the Nunatsiavut Government, known as the Nunatsiavut Treasurer, who is appointed by the President upon the advice of the First Minister in accordance with the Labrador Inuit Constitution; and
- (d) such other ministers as the First Minister may select and the President may appoint in accordance with the Labrador Inuit Constitution.

Part 5.2 Executive Authority of Nunatsiavut Government

Executive Authority Vested in President

5.2.1

The executive authority of the Nunatsiavut Government is vested in the President of Nunatsiavut.

Executive Authority is Exercised with Other Members of the Executive Council

- 5.2.2 The President of Nunatsiavut must exercise the executive authority of the Nunatsiavut Government with the advice of the other members of the Nunatsiavut Executive Council.

Primary Functions of the Nunatsiavut Executive Council

5.2.3

The Nunatsiavut Executive Council exercises the executive authority of the Nunatsiavut Government by:

- (a) implementing Inuit laws except where the Labrador Inuit Constitution or an Inuit law provides otherwise;
- (b) developing and implementing policy for Labrador Inuit and Nunatsiavut;
- (c) overseeing and coordinating the functions of all departments, divisions and administrations within the Nunatsiavut Government;
- (d) preparing and initiating legislation; and

- (e) performing any other executive function provided for in the Labrador Inuit Constitution or in Inuit law.

President to Preside at Meetings of Nunatsiavut Executive Council

5.2.4

Except as provided in subsection 3.2.13 (b) and section 3.6.1, the President of Nunatsiavut must preside over all meetings of the Nunatsiavut Executive Council.

Decisions of the Nunatsiavut Executive

5.2.5

All decisions of the Nunatsiavut Executive Council must be signed by the President of Nunatsiavut and be issued under the Nunatsiavut seal.

Nunatsiavut Seal

5.2.6

The Nunatsiavut Seal shall be in such form as may be prescribed by the first Nunatsiavut Assembly and must be kept by and be under the control of the First Minister of Nunatsiavut.

Legal Effect of Executive Decisions

5.2.7

A decision, order, proclamation, rule, bylaw, regulation, agreement or contract made by the Nunatsiavut Executive Council or a member of the Nunatsiavut Executive Council is of no legal force or effect unless it is made in accordance with Inuit law and the Labrador Inuit Constitution and has been signed and sealed in compliance with section 5.2.5. Nothing in this section detracts from the requirement of section 7.3.2.

Part 5.3 The First Minister of Nunatsiavut

First Minister appointed by President

5.3.1

The First Minister of Nunatsiavut shall be chosen by the Assembly and be appointed by the President of Nunatsiavut from among the ordinary members of the Nunatsiavut Assembly and shall, subject to section 5.3.3, hold office at the pleasure of the President.

Swearing in of First Minister

5.3.2

The First Minister shall take office immediately after swearing or affirming the First Minister's oath of office as follows:

"In the presence of everyone assembled here, I, _____, swear/affirm that I will be faithful to Nunatsiavut, the Inuit of Labrador and the Nunatsiavut Assembly; I will obey, observe, uphold and maintain the Labrador Inuit Constitution and Inuit law ; respect the standing orders of the Nunatsiavut Assembly; hold my office as First Minister with honour and dignity; be a true and faithful councillor to the President of Nunatsiavut; fulfill my responsibilities as a leader in

accordance with all applicable ethical standards and codes of conduct; and perform the functions of my office conscientiously and to the best of my ability (in the case of an Oath: so help me God)"

Resignation of First Minister

5.3.3

The First Minister of Nunatsiavut may at any time tender his or her resignation to the President of Nunatsiavut and must do so if the Nunatsiavut Assembly resolves that the Nunatsiavut Executive Council, other than the President, no longer enjoys the confidence of the Assembly.

Termination of Office

5.3.4

The First Minister of Nunatsiavut ceases to hold office if a person is appointed in his or her place.

Vacancy in Office of First Minister

5.3.5

If the office of First Minister of Nunatsiavut is vacant or if the First Minister is for any reason unable to act, the functions of the First Minister shall be exercised by a member of the Nunatsiavut Executive Council, other than the President of Nunatsiavut, designated by the Nunatsiavut Executive Council.

Part 5.4 Choice of First Minister

Nunatsiavut Assembly to choose First Minister

5.4.1

If one of the events listed in paragraph 5.4.2 occurs, the Nunatsiavut Assembly must within the period set out in section 5.4.3 nominate one of its ordinary members for appointment as First Minister of Nunatsiavut.

Events Requiring Nomination of First Minister

5.4.2

The following events require the nomination of a First Minister of Nunatsiavut by the Nunatsiavut Assembly:

- (a) a general election;
- (b) resignation of the First Minister;
- (c) the office of First Minister becoming vacant as a result of some event other than resignation; and
- (d) the First Minister ceasing to be an ordinary member of the Assembly otherwise than by virtue of a dissolution of the Assembly.

Time Limit for Nomination of First Minister

5.4.3

The Nunatsiavut Assembly must nominate an ordinary member of the Assembly for appointment as First Minister of Nunatsiavut within 28 days from the day on which an event referred to in section 5.4.2 occurs.

Recommendation for Appointment

5.4.4

The Nunatsiavut Assembly shall, by resolution, recommend to the President of Nunatsiavut the appointment of the ordinary member of the Assembly who is nominated by the Assembly under this part.

Part 5.5 Ministers

President appoints Ministers

5.5.1

The President of Nunatsiavut, on the advice of the First Minister shall appoint the Nunatsiavut Treasurer and other members of the Nunatsiavut Executive Council, referred to as Ministers, from among the ordinary members of the Nunatsiavut Assembly.

Assembly to Approve Appointment of Ministers

5.5.2

The First Minister of Nunatsiavut must not nominate a person for appointment as a Minister without the agreement of the Nunatsiavut Assembly.

Term of Office of Ministers

5.5.3

A Minister:

- (a) holds office at the pleasure of the President of Nunatsiavut, subject to subsections (b), (c), (d) and (e);
- (b) may be removed from office by the First Minister of Nunatsiavut;
- (c) may at any time tender his or her resignation to the President and must do so if the Nunatsiavut Assembly resolves that the members of the Nunatsiavut Executive Council, other than the President, no longer enjoy the confidence of the Assembly;
- (d) ceases to hold office immediately upon resignation; and
- (e) ceases to hold office if he or she ceases to be a member of the Assembly otherwise than by virtue of a dissolution of the Assembly.

Part 5.6 Dissolution

Effect of Dissolution on Nunatsiavut Executive Council

5.6.1

When the Nunatsiavut Assembly is dissolved for purposes of holding an election, the dissolution does not affect the Nunatsiavut Executive Council.

Continuation of Nunatsiavut Executive after Elections

5.6.2

When an election of the Nunatsiavut Assembly is held, the Nunatsiavut Executive Council remains unchanged and fully competent to function until the appointment of the First Minister on nomination of the next Assembly.

Part 5.7 Conduct of Nunatsiavut Executive Council

Oath of Office

5.7.1

Before ministers begin to perform their functions, they must swear or affirm the following oath of office.

“I, _____, swear/solemnly affirm that I will be faithful to Nunatsiavut and the Inuit of Labrador and the Nunatsiavut Assembly; I will obey, respect and uphold the Labrador Inuit Constitution, all Inuit laws and the standing orders of the Nunatsiavut Assembly; I will hold my office as minister with honour and dignity; I will be a true and faithful councillor to the President; I will not divulge directly or indirectly any secret matter entrusted to me; I will fulfill my responsibilities as a leader in accordance with all applicable standards and codes of conduct; and I will perform the functions of my office conscientiously and to the best of my ability (in the case of an Oath: so help me God.)”

Principles of Leadership and Code of Conduct

5.7.2

All members of the Nunatsiavut Executive Council must act in accordance with the founding principles respecting leadership set out in chapter 1 and in accordance with the code of conduct referred to in section 4.22.1.

Minimum Ethical Standards for Nunatsiavut Executive Council

5.7.3

Members of the Nunatsiavut Executive Council may not:

- (a) undertake any other paid work;
- (b) act in any way that is inconsistent with their office;
- (c) expose themselves to any situation involving the risk of a conflict between their official responsibilities and private interests;
- (d) use their position or any information entrusted to them as members of the Nunatsiavut Executive to enrich themselves or improperly benefit any other person; or

- (e) interfere with or improperly try to influence the conduct of any proceeding by a court or tribunal.

Part 5.8 Ministerial Functions

Appointment of Nunatsiavut Civil Service

5.8.1

The Nunatsiavut Executive Council may appoint persons to be members of the staff of the Nunatsiavut Government.

Nunatsiavut Government Staff are the Nunatsiavut Civil Service

5.8.2

The members of the staff of the Nunatsiavut Government shall be known as the Nunatsiavut Civil Service.

Fundamental Provisions governing the Nunatsiavut Civil Service

5.8.3

Fundamental provisions governing the Nunatsiavut Civil Service are set out in chapter 6 of the Labrador Inuit Constitution.

Legislative Functions of Nunatsiavut Executive Council

5.8.4

Subordinate legislative and other functions may be conferred on the Nunatsiavut Executive Council or a member of the Nunatsiavut Executive Council by Inuit law.

Executive Functions are Exercised in the name of the Nunatsiavut Government

5.8.5

Functions of the Nunatsiavut Executive Council or any member of the Nunatsiavut Executive Council exercised under an Inuit law is exercised on behalf of the Nunatsiavut Government.

Acts or Omissions of the Executive

5.8.6

Any act or omission of, or in relation to, the Nunatsiavut Executive Council or any member of the Nunatsiavut Executive Council shall be treated as an act or omission of, or in relation to, the Nunatsiavut Government and any property acquired, or liability incurred, by any member of the Nunatsiavut Executive Council shall be treated as property or a liability, as the case may be, of the Nunatsiavut Government.

Transfer of Functions

5.8.7

A function of a Nunatsiavut minister shall be exercisable by any member of the Nunatsiavut Executive Council.

Procedure for Transfer of Ministerial Functions

5.8.8

The transfer of a ministerial function under section 5.8.7 shall be made by order of the President of Nunatsiavut, on the advice of the First Minister of Nunatsiavut, and may:

- (a) transfer the administration of any Inuit law from a minister to another member of the Nunatsiavut Executive Council; or
- (b) transfer any power or function entrusted by an Inuit law from one minister to another member of the Nunatsiavut Executive Council.

Temporary Assignment of Functions

5.8.9

The President of Nunatsiavut, on the advice of the First Minister of Nunatsiavut, may, by order, assign to a member of the Nunatsiavut Executive Council any power or function of another member who is absent from office or unable to exercise that power or perform that function.

Delegation of Functions

5.8.10

A member of the Nunatsiavut Executive Council may delegate any power or function conferred on that member under an Inuit law, other than a power to make subordinate legislation, to a member of the Nunatsiavut Civil Service or to an Inuit Community Government.

Requirements for Delegation of Functions

5.8.11

The delegation of a function under section 5.8.10:

- (a) must be in terms of a written agreement between the relevant member of the Nunatsiavut Executive Council and the member of the Nunatsiavut Civil Service or the Inuit Community Government;
- (b) must be consistent with the Inuit law in terms of which the relevant power or function is exercised or performed;
- (c) must be revocable or limited to a certain term; and
- (d) will take effect upon proclamation by the President.

Property and Liabilities of the Members of the Nunatsiavut Executive Council

5.8.12

Property acquired by or transferred to a member of the Nunatsiavut Executive Council in his or her capacity as a minister or member of the Nunatsiavut Executive Council, including any gift, shall belong to the Nunatsiavut Government and liabilities incurred by members of the Nunatsiavut Executive Council in the performance of their functions as ministers or members of the Nunatsiavut Executive Council shall be liabilities of the Nunatsiavut Government.

Control and Management of Nunatsiavut Government Property

5.8.13

Property and assets of the Nunatsiavut Government, including Labrador Inuit Lands, may be placed within the possession, administration and control of a member of the Nunatsiavut Executive Council for purposes of the Nunatsiavut Government.

Transfers of Nunatsiavut Government Property

5.8.14

The possession, administration and control of property and assets of the Nunatsiavut Government, including Labrador Inuit Lands, may be transferred among members of the Nunatsiavut Executive Council from time to time for purposes of the Nunatsiavut Government.

Requirements for Dealing with Nunatsiavut Property and Assets

5.8.15

A transaction under section 5.8.13 or 5.8.14 must be in writing under the Nunatsiavut seal, signed by the President, and be countersigned by the member or members of the Nunatsiavut Executive Council concerned.

Alienation of Property and Assets

5.8.16

Except for the disposition of the entire estate of the Labrador Inuit in Labrador Inuit Lands, which may only take place in accordance with the Labrador Inuit Constitution and applicable Inuit law, property and assets of the Nunatsiavut Government may only be alienated on majority vote of the Nunatsiavut Executive Council.

Nunatsiavut Government Property held in Fiduciary Capacity

5.8.17

A member of the Nunatsiavut Executive Council who receives or deals with money, property and assets of the Nunatsiavut Government, including Labrador Inuit Lands, whether by virtue of section 5.8.13 or otherwise, acts in a fiduciary capacity with respect to that money, property or asset.

Part 5.9 Ministerial Accountability to Nunatsiavut Assembly

Nunatsiavut Executive Council is Obligated to Respond to Nunatsiavut Assembly

5.9.1

Members of the Nunatsiavut Executive Council must respond to questions and requests for information made by members of the Nunatsiavut Assembly in relation to the performance of executive functions or the business of the Nunatsiavut Government but no member of the Nunatsiavut Executive Council is obliged to respond to a question or a request for information that is ruled by the presiding officer to be frivolous or vexatious.

Annual Report by First Minister

- 5.9.2 The First Minister of Nunatsiavut must present an annual report on the Nunatsiavut Government to the Nunatsiavut Assembly immediately prior to the presentation of the consolidated annual financial statements of the Nunatsiavut Government under section 8.10.5.

CHAPTER 6

NUNATSIAVUT CIVIL SERVICE

Part 6.1 Responsibility for Nunatsiavut Civil Service

Nunatsiavut Executive Council to Administer Nunatsiavut Civil Service

6.1.1

Administration of the Nunatsiavut Civil Service is the responsibility of the Nunatsiavut Executive Council which is responsible for the recruitment, appointment, promotion, transfer, training and dismissal of members of the Nunatsiavut Civil Service.

Structure of the Nunatsiavut Civil Service

6.1.2

The structure of the Nunatsiavut Civil Service shall be determined by the Nunatsiavut Executive Council subject to Inuit law.

Part 6.2 Principles Governing Nunatsiavut Civil Service

Additional Principles Applicable to Nunatsiavut Civil Service

6.2.1

The Nunatsiavut Civil Service must be governed by the values and principles enshrined in the Labrador Inuit Constitution and, in addition, the following principles:

- (a) a high standard of professional ethics must be promoted and maintained;
- (b) efficient, economic and effective use of resources must be promoted;
- (c) the Nunatsiavut Civil Service must be development-oriented;
- (d) Nunatsiavut Government services must be provided in Inuttut and English;
- (e) the Nunatsiavut Civil Service must respond to the needs of Inuit and Inuit must be encouraged to participate in policy-making;
- (f) the Nunatsiavut Civil Service must be accountable through the Nunatsiavut Executive Council to the Nunatsiavut Assembly;
- (g) transparency must be fostered by providing Labrador Inuit with timely, accessible and accurate information respecting the Nunatsiavut Government;

- (h) good human-resource management and career-development practices must be promoted to maximize the human potential of the Nunatsiavut Civil Service;
- (i) the Nunatsiavut Civil Service must be broadly representative of the Labrador Inuit with employment and personnel management practices based on ability, objectivity, fairness and the need to achieve broad representation of the Labrador Inuit population in the Nunatsiavut Civil Service.

Principles Apply to All Institutions of Labrador Inuit Government

6.2.2

The principles set out in section 6.2.1 apply to every institution of Labrador Inuit government.

Part 6.3 Inuit laws respecting Nunatsiavut Civil Service

Nunatsiavut Assembly may make laws in respect of Nunatsiavut Civil Service

6.3.1

The Nunatsiavut Assembly may make laws in respect of the Nunatsiavut Civil Service but those laws may not detract from the powers of the Nunatsiavut Executive Council under chapter 5 or from part 6.1.

Inuit laws to Promote Principles applicable to Nunatsiavut Civil Service

6.3.2

Inuit laws in relation to the Nunatsiavut Civil Service must ensure the promotion of the values and principles set out in part 6.2.

Terms and Conditions applicable to Nunatsiavut Civil Service

6.3.3

The terms and conditions of employment in the Nunatsiavut Civil Service may be regulated by Inuit law.

Inuit law may differentiate between sectors of Nunatsiavut Civil Service.

6.3.4

Inuit laws regulating the Nunatsiavut Civil Service may differentiate between different sectors, administrations or institutions and the nature and functions of different sectors, administrations or institutions of the Nunatsiavut Civil Service are relevant factors to be taken into account in Inuit laws respecting the Nunatsiavut Civil Service.

Inuit law may Prohibit Strikes

6.3.5

Inuit laws in relation to the Nunatsiavut Civil Service may provide that certain members, sectors, administrations or institutions of the Nunatsiavut Civil Service may not strike in the event of an employment or labour dispute but any law that removes the right to strike must provide for an alternate means of settling the dispute.

Part 6.4 Function of Nunatsiavut Civil Service

Loyalty to Nunatsiavut Government

6.4.1

The Nunatsiavut Civil Service and every member of the Nunatsiavut Civil Service must loyally carry out the lawful policies of the Nunatsiavut Government of the day.

Political Activities by Members of the Nunatsiavut Civil Service

6.4.2

No member of the Nunatsiavut Civil Service may be favoured or prejudiced only because that person supports a particular political party, a particular candidate for or member of the Nunatsiavut Assembly or an Inuit Community Government, or a particular political cause.

Code of Ethics for Nunatsiavut Civil Service

6.4.3

Members of the Nunatsiavut Civil Service must act in accordance with the code of conduct referred to in section 4.22.1.

Minimum Standard of Conduct of Members of Nunatsiavut Civil Service

6.4.4

Members of the Nunatsiavut Civil Service may not:

- (a) serve as an elected member of the Nunatsiavut Assembly, Inuit Community Government or an Inuit government corporation;
- (b) undertake any other paid work;
- (c) act in any way that is inconsistent with their office, or expose themselves to any situation involving the risk of a conflict between their official responsibilities and private interests; or
- (d) use their position or any information entrusted to them to enrich themselves or improperly benefit any other person.

Members of Nunatsiavut Civil Service to answer to Nunatsiavut Assembly

6.4.5

Every member of the Nunatsiavut Civil Service shall appear before the Nunatsiavut Assembly or a committee of the Nunatsiavut Assembly when required to do so and any member of the Nunatsiavut Civil Service who fails or refuses to appear before the Nunatsiavut Assembly or a committee of the Nunatsiavut Assembly after having received notice to do so, may be summarily dismissed from office.

CHAPTER 7

REVENUES AND TAXATION

Part 7.1 Power to Raise Revenues

Power to Raise Revenues Vested in Nunatsiavut Assembly

7.1.1

The power to raise revenues from Labrador Inuit Lands or under any of the rights, powers or benefits conferred on the Inuit Central Government under the Labrador Inuit Land Claims Agreement, including the power to tax and to set revenue rates, is vested in the Nunatsiavut Assembly.

Immunity of Nunatsiavut Government from Community Government Taxes

7.1.2

Lands, property and commercial activities of the Nunatsiavut Government or a Nunatsiavut Government corporation are immune from taxation by an Inuit Community Government and from the payment of fees, charges, duties or levies imposed by an Inuit Community government.

Part 7.2 Own Source Revenues

7.2.1

The Nunatsiavut Assembly must ensure that all own source revenues of the Nunatsiavut Government are identified and accounted for.

Part 7.3 Agreements Respecting Fiscal Financing and Taxation

Nunatsiavut Executive Council has Authority to Negotiate Financing and Tax Agreements

7.3.1

The Nunatsiavut Executive Council has the authority to enter into negotiations from time to time, and as required, for purpose of making agreements with the Government of Canada, the Government of Newfoundland and Labrador, the Inuit Community Governments and any other entity respecting the financing of the Nunatsiavut Government and Inuit Community Governments including:

- (a) the financing of the capital and operating requirements of the Nunatsiavut Government and Inuit Community Governments and the infrastructure, utilities, programs and services provided by the Nunatsiavut Government and the Inuit Community Governments; and
- (b) the raising of revenues by the Nunatsiavut Government and the Inuit Community Governments through taxation.

Nunatsiavut Assembly to Approve Fiscal Financing and Taxation Agreements

7.3.2

No agreement negotiated under section 7.3.1 is of any force or effect until approved by the Nunatsiavut Assembly.

Exception for Transitional Fiscal Financing and Taxation Agreements

7.3.3

Section 7.3.2 does not apply to any fiscal financing or taxation agreement that comes into effect before or at the same time as the effective date of the Labrador Inuit Constitution.

Part 7.4 Exercise of Taxation Powers

Limitation on Taxation

7.4.1

The Nunatsiavut Assembly may not levy any tax, unless the Assembly has first determined that, having regard to taxes levied by other orders of government, there is tax room available to the Nunatsiavut Government.

CHAPTER 8

FINANCIAL PROVISIONS

Part 8.1 The Nunatsiavut Government Consolidated Revenue Fund

Nunatsiavut Consolidated Fund Established

8.1.1

There shall be a Nunatsiavut Government consolidated revenue fund called the Nunatsiavut Fund.

All Revenue Paid into the Fund

8.1.2

All revenue of the Nunatsiavut Government, including own source revenues, transfers under fiscal financing agreements and sources of revenue that are not included in own source revenue, must be paid into the Nunatsiavut Fund and accounted for.

Duty to Deposit Government Money in The Fund

8.1.3

A person who receives money that belongs to the Nunatsiavut Government, that is payable to the Nunatsiavut Government, or that is held or collected for or on behalf of the Nunatsiavut Government must immediately deposit that money to the credit of the Nunatsiavut Fund.

Laws Governing the Fund

8.1.4

The Nunatsiavut Assembly must make laws as to the management and administration of the Nunatsiavut Fund.

Money Received for Special Purposes or In Trust

8.1.5

Despite section 8.1.2, if the Nunatsiavut Government receives money for special purposes or in trust it may keep that money separate and distinct from revenue that is to be paid into the Nunatsiavut Fund. Money received for a special purpose or in trust must be separately accounted for.

Debts Guaranteed by the Nunatsiavut Government or Inuit Community Government

8.1.6

Any debt guaranteed by the Nunatsiavut Government or an Inuit Community Government must be treated as an amount borrowed directly by that government.

Part 8.2 Payments out of the Nunatsiavut Fund

Payments Out Of The Fund Must Be Authorized

8.2.1

No payment may be made out of the Nunatsiavut Fund unless the payment has been authorized under Inuit law.

Payments to Be Used Only For Authorized Purposes

8.2.2

Money paid out of the Nunatsiavut Fund must not be used for any purpose other than the purpose for which it was authorized.

Laws Governing Payments Out Of The Fund

8.2.3

The Nunatsiavut Assembly must make laws to ensure that:

- (a) There is a proper basis for accounting for all payments out of the Nunatsiavut Fund; and
- (b) a proper record is kept by the Nunatsiavut Executive Council of all payments out of the Nunatsiavut Fund.

Payments Out Of the Fund Must Be In Accordance With Laws

8.2.4

Payments out of the Nunatsiavut Fund must be made in accordance with the Labrador Inuit Constitution and Inuit laws governing payments out of the Nunatsiavut Fund.

Controller To Be Appointed

8.2.5

The Nunatsiavut Executive Council must appoint a controller to oversee proper administration of all receipts of the Nunatsiavut Government and all payments out of the Nunatsiavut Fund.

Controller Answerable To Nunatsiavut Treasurer

8.2.6

The controller must be a qualified member of the Nunatsiavut Civil Service who shall be directly responsible to the Nunatsiavut Treasurer.

Part 8.3 Nunatsiavut Accounts

Books of Account to be Kept

8.3.1

The Nunatsiavut Government must keep complete books of account of all the financial transactions of the Nunatsiavut Government including all special purpose or trust funds, all revenue paid into the Nunatsiavut Fund by source and all payments out of the Nunatsiavut Fund by source.

Accounting Standards To Be Met

8.3.2

The Nunatsiavut Accounts must be kept in accordance with:

- (a) accounting principles recommended for governments or similar entities by the Canadian Institute of Chartered Accountants, governments or similar entities or its successor organization; and
- (b) applicable Inuit laws.

Part 8.4 Control of Nunatsiavut Deficits and Debt

Special Majority of Assembly Required For Deficits

8.4.1

Unless the Nunatsiavut Assembly decides otherwise by means of a supporting vote of at least 60% of its members, estimated expenditures and the accumulated net surplus of the Nunatsiavut Government or an Inuit Community Government for a year must not be more than estimated revenue for the year. In this section;

- (a) “expenditure” includes:
 - (i) the cost of goods and services acquired in the period, whether or not payment has been made or invoices received;
 - (ii) transfer payments due where no value is received directly in return; and
 - (iii) the cost of capital assets; and
- (b) “accumulated net surplus” is the amount by which the revenue for the previous fiscal year exceeds the sum of the expenditures for the previous three fiscal years.

Assembly To Consult Inuit Prior To Authorizing Deficits

8.4.2

Before the Nunatsiavut Assembly decides to authorize expenditures in excess of revenues by the Nunatsiavut Government or an Inuit Community Government during a fiscal year under section 8.4.1, it must give notice of its intentions to the Labrador Inuit and consult with them.

Laws About Consultation

8.4.3

The Nunatsiavut Assembly must make laws concerning the issuing of notices and consultation about the possibility of authorizing expenditures in excess of revenues.

Part 8.5 Borrowing by Inuit Governments and the Nunatsiavut Executive Council

Exceptions to Sections 8.4.1 and 8.4.2

8.5.1

If there is any inconsistency between the provisions of Part 8.5 and Part 8.4, the sections of Part 8.5 may be implemented without having to comply with sections 8.4.1 and 8.4.2.

Assembly May Authorize Current Account Borrowing

8.5.2

The Nunatsiavut Assembly may, in terms of an Inuit law, authorize the Nunatsiavut Government or an Inuit Community Government to borrow sums of money for current account purposes if:

- (a) the cumulative amount of borrowing by the relevant government does not exceed 20% of its assured revenue for the fiscal year; and
- (b) the amount borrowed is repaid before the end of the fiscal year in which the borrowing takes place.

Assembly May Authorize Capital Borrowing

8.5.3

The Nunatsiavut Assembly may, in terms of Inuit law, and with a supporting vote of at least 60% of its members, authorize long term borrowing by the Nunatsiavut Government or an Inuit Community Government for capital purposes on condition that the Nunatsiavut Assembly receives from the government concerned a financial plan for the period required to amortize the debt that shows:

- (a) anticipated expenditures by the Inuit Government on maintenance and acquisition of capital assets;
- (b) all expenditure and revenue estimates; and
- (c) how capital and interest will be repaid, in full, without incurring annual deficits.

Nunatsiavut Executive Council Needs Authorization To Borrow

8.5.4

The Nunatsiavut Executive Council or a member of the Council may not borrow money unless the borrowing is authorized in accordance with the requirements of Part 8.4 or under this Part.

Contingency Fund To Be Maintained

8.5.5

The consolidated financial plan of the Nunatsiavut Government shall provide for the establishment and maintenance of a contingency fund that may be used by the Nunatsiavut Executive Council for the purpose of:

- (a) meeting a temporary excess of authorized expenditures paid out of the Nunatsiavut Fund over revenues paid into the Nunatsiavut Fund;
- (b) providing a working balance in the Nunatsiavut Fund;
- (c) meeting an unforeseen emergency; or
- (d) responding to an urgent and immediate need to implement a new program or service for the good of the Labrador Inuit.

Executive May Borrow If Contingency Fund Is Inadequate

8.5.6

Subject to section 8.5.2, if in any year the contingency fund is inadequate for a purpose set out in section 8.5.5 and no countervailing or off-setting savings are available within the Nunatsiavut Fund, the Nunatsiavut Executive Council may, subject to section 8.5.2, be authorized by the Nunatsiavut Assembly under section 8.5.7 or 8.5.8 to borrow money for a purpose set out in section 8.5.5.

Procedure for Borrowing By Executive When Assembly Is In Session

8.5.7

If the Nunatsiavut Assembly is in session when the Nunatsiavut Executive Council needs to borrow money for a purpose set out in section 8.5.5, the Nunatsiavut Executive must ask the Nunatsiavut Assembly to authorize the borrowing.

Laws To Govern Borrowing By Executive When Assembly Is Not In Session

8.5.8

The Nunatsiavut Assembly may make laws to:

- (a) authorize the Nunatsiavut Executive Council to borrow money for a purpose set out in section 8.5.5 when the Nunatsiavut Assembly is not in session; and
- (b) set the steps to be followed by the Nunatsiavut Executive Council if it wishes to borrow money when the Nunatsiavut Assembly is not in session.

Executive Needs Authorization To Create Future Obligations

8.5.9

The Nunatsiavut Government may enter into an agreement for the purchase of goods or services to be delivered or paid for in a subsequent fiscal year if it is authorized to do so under Inuit law.

Part 8.6 Investment and Lending by the Nunatsiavut Government

Investments Must Be Authorized

8.6.1

Money held in the Nunatsiavut Consolidated Fund may only be invested in investments approved under Inuit law.

Lending Must Be Authorized

8.6.2

The Nunatsiavut Government may not lend money or provide any loan guarantee to any person unless:

- (a) the loan or loan guarantee has been authorized by the Nunatsiavut Assembly; or
- (b) the loan or loan guarantee is made under a program that has been authorized by an Inuit law and, in either case;
- (c) the loan or loan guarantee is made in accordance with the procedures and criteria for lending and loan guarantees by the Nunatsiavut Government established by the Labrador Inuit Constitution and Nunatsiavut Assembly.

Interest On Loans

8.6.3

The rate of interest charged for a loan made by the Nunatsiavut Assembly may not be less than the interest rate prevailing at the time the loan is made for a debt of the Government of Canada for a comparable maturity.

Loans To Be Repaid To The Fund

8.6.4

Sums loaned by the Nunatsiavut Government, and interest, must be repaid to the Nunatsiavut Fund and the Nunatsiavut Executive Council must establish terms and conditions for repayment of loans.

Terms of Loans

8.6.5

All loans made by the Nunatsiavut Government must be secured and no loan may be made for a term longer than 10 years but the Nunatsiavut Assembly may authorize the Nunatsiavut Government to make unsecured micro loans in terms of Inuit law. For purposes of this section a micro loan is a small loan to a Labrador Inuk to help him or her establish a small business or to

participate in the Inuit Domestic Harvest or Inuit Domestic Fishery when the Labrador Inuk is unable to borrow from ordinary commercial lenders at normal commercial rates.

List Of Investments and Loans To Be Presented

8.6.6

Each year the Nunatsiavut Executive Council must present to the Nunatsiavut Assembly a complete list of all investments and loans made out of the Nunatsiavut Fund.

Contents Of List

8.6.7

The list of investments and loans referred to in section 8.6.6 must disclose:

- (a) the full identity of the issuer of each investment, the nature of each investment, the interest rate payable on each Investment and its date of maturity, if any;
- (b) the full identity of each borrower, the amount, interest rate and due date of each loan, the collateral secured by each loan other than a micro loan, the purpose of the loan and the Inuit law or program of the Nunatsiavut Assembly under which the loan is authorized; and
- (c) any other information required under an enactment of the Nunatsiavut Assembly.

List To Be Part Of Consolidated Annual Financial Report For Nunatsiavut

8.6.8

The list of investments and loans referred to in section 8.6.6 must be included in the consolidated annual financial report of the Nunatsiavut Government.

Part 8.7 Salaries of Members of the Nunatsiavut Assembly, the Nunatsiavut Executive Council and the Inuit Court

Nunatsiavut Assembly To Set Salaries Of Members

8.7.1

The Nunatsiavut Assembly must set the salaries of the members of the Nunatsiavut Assembly, the Nunatsiavut Executive Council and the Inuit Court.

Salaries To Be set For 5 Years

8.7.2

Salaries for members of the Nunatsiavut Assembly, the Nunatsiavut Executive Council and the Inuit Court must be set for a period of 5 years and may include a provision for a percentage increase or increases during the 5 year period.

Nunatsiavut Assembly May Provide For Pensions

- 8.7.3 The Nunatsiavut Assembly may also make provision for the payment of pensions to members of the Nunatsiavut Assembly, the Nunatsiavut Executive Council and the Inuit Court.

Assembly To Consult Inuit Before Setting Salaries Or Pensions

8.7.4

Before setting or changing salaries or providing for or changing pensions for members of the Nunatsiavut Assembly and the Nunatsiavut Executive Council, the Assembly must give notice of its intentions to the Labrador Inuit and consult with them.

Laws About Consultation

8.7.5

The Nunatsiavut Assembly must make laws concerning the issuing of notices and consulting about the salaries and pensions to be paid to members of the Nunatsiavut Assembly and the Nunatsiavut Executive Council and any changes to the salaries or pensions.

Allowances and Gratuities

8.7.6

The Nunatsiavut Assembly may make provision for the payment of allowances and gratuities to the members of the Nunatsiavut Assembly and the Nunatsiavut Executive Council.

Reduction Of Salary To Account For Other Payments From Public Money

8.7.7

If a member of the Nunatsiavut Assembly, the Nunatsiavut Executive Council or the Inuit Court is receiving a pension or any other payment from any other government or any source of public money in Canada, the Nunatsiavut Assembly must ensure that the amount of salary paid to that person out of the Nunatsiavut Fund is reduced by a proportional amount or by a particular amount.

Information About Payments To Be Published

8.7.8

Information as to the salaries, pensions, allowances and gratuities paid to each member or former member of the Nunatsiavut Assembly, the Nunatsiavut Executive Council and the Inuit Court must be published by the Nunatsiavut Government each year and this information must be included in the consolidated annual financial report of the Nunatsiavut Government.

Part 8.8 Fiscal Year and Financial Plans

Fiscal Year

8.8.1 The fiscal year of the Nunatsiavut Government begins on April 1 in each year and ends on March 31 in the next year.

Executive To Prepare Annual Financial Plan

8.8.2 The Nunatsiavut Executive Council must prepare a consolidated financial plan for each fiscal year.

Financial Plan To Be Approved By Assembly

8.8.3

The consolidated financial plan for a fiscal year must be presented to the Nunatsiavut Assembly for approval by the Nunatsiavut Assembly before the start of that fiscal year.

Estimates To Be Included In Financial Plan

8.8.4

The consolidated financial plan must include the following estimates for the Nunatsiavut Government and the Inuit Community Governments for the fiscal year:

- (a) total revenue, broken down by sources of revenue;
- (b) total expenditures, broken down into detailed categories of expenditure;
- (c) the consolidated net revenue or expenditure;
- (d) the total capital investment, itemized according to categories of capital investment;
- (d) the consolidated surplus or net debt, if any;
- (f) the borrowing requirements, if any; and
- (g) any other information that the Nunatsiavut Assembly may prescribe by an enactment or that the Nunatsiavut Executive Council considers appropriate.

Assumptions And Business Plan To Be Included In Financial Plan

8.8.5

A consolidated financial plan shall include:

- (a) a statement of major assumptions made in preparing the plan and the effect that changes in the assumptions may have on the finances of the Nunatsiavut Government; and
- (b) a consolidated business plan that includes:
 - (i) the goals set for each of the departments, sections, divisions or institutions of the Nunatsiavut Government, for each of the core businesses of the Nunatsiavut Government and for the Inuit Community Governments.
 - (ii) the measures to be used in assessing the performance of each of the departments, sections, divisions or institutions of the Nunatsiavut Government, for each of the core businesses of the Nunatsiavut Government and for the Inuit Community Governments.

Part 8.9 Nunatsiavut Treasurer

Responsibility of Treasurer

8.9.1

In addition to any other responsibilities that may be required of the Nunatsiavut Treasurer under the Labrador Inuit Constitution and by the Nunatsiavut Assembly, the Nunatsiavut Treasurer must:

- (a) ensure that the Nunatsiavut Government makes and keeps the Nunatsiavut Accounts in accordance with prescribed standards;
- (b) be responsible for implementing the other provisions of this Chapter on behalf of the Nunatsiavut Government; and
- (c) answer to the Nunatsiavut Assembly for the proper maintenance of the Nunatsiavut Accounts, the financial management and administration of the Nunatsiavut Fund by the Nunatsiavut Government and the implementation of the provisions of this Chapter.

Nunatsiavut Bank Accounts May Be Set Up By Treasurer

8.9.2

The Nunatsiavut Treasurer may set up in the name of the Nunatsiavut Government deposit accounts for the deposit of part or all of the Nunatsiavut Fund with any member of the Canadian Payments Association and any local cooperative credit society that is a member of a central cooperative credit society that is a member of the Canadian Payments Association.

Signing Officers

8.9.3

The Nunatsiavut Treasurer, other members of the Nunatsiavut Executive Council designated by the Nunatsiavut Assembly from time to time and the controller shall be the signing officers for all deposit accounts in the name of the Nunatsiavut Government.

Nunatsiavut Treasurer to Make Quarterly Reports

8.9.4

The Nunatsiavut Treasurer must report quarterly to the Nunatsiavut Assembly on the accuracy of the annual consolidated financial plan referred to in Part 8.8 for the first three quarters of each fiscal year by no later than two months after the end of the quarter.

Nunatsiavut Treasurer to Make Consolidated Annual Financial Report

8.9.5

The Nunatsiavut Treasurer shall prepare and present to the Nunatsiavut Assembly on or before June 30 in each year a consolidated annual financial report of the Nunatsiavut Government for the fiscal year ended on the preceding March 31.

Contents Of Consolidated Annual Financial Report

8.9.6

The consolidated annual financial report of the Nunatsiavut Government shall include:

- (a) statements of the financial position at the end of the fiscal year, the results of operations, including the revenues and expenditures for the fiscal year, and any change to the financial position;
- (b) the accumulated surplus or deficit , if any, as at the end of the fiscal year;
- (c) separate financial statements for all sums of money received for a special purpose or in trust;
- (d) the list of investments and loans referred to in section 8.6.6;
- (e) the information as to payments made to members or former members of the Nunatsiavut Assembly, the Nunatsiavut Executive Council and the Inuit Court referred to in section 8.7.8;
- (f) a statement of the accounting policies followed in preparing the consolidated annual financial report and in preparing the financial statements for sums of money received for a special purpose or in trust;
- (g) a comparison between the estimates budgeted for in the consolidated financial plan referred to in Part 8.8 and the actual results; and
- (g) any other information, explanations or statements that the Nunatsiavut Treasurer considers are necessary to give full and proper disclosure or that are required in support of the consolidated annual financial report under Inuit law.

Annual Financial Report To Be Accompanied By Report Of Nunatsiavut Auditor

8.9.7

The consolidated annual financial report of the Nunatsiavut Government shall be accompanied by the report of the Auditor for Nunatsiavut for the fiscal year if it is available.

Financial Reports To Be Made To President When Assembly Not In Session

8.9.8

If the Nunatsiavut Assembly is not in session when the Nunatsiavut Treasurer makes a quarterly report on the accuracy of the consolidated financial plan referred to in Part 8.8 or makes the consolidated annual financial report of the Nunatsiavut Government, the report shall be presented to the President of Nunatsiavut who must deliver it to the Nunatsiavut Assembly immediately after it next reconvenes.

Assembly To Consider Consolidated Annual Financial Report

8.9.9

The report of the Nunatsiavut Auditor shall be tabled in the Nunatsiavut Assembly no later than the three months after the tabling of the consolidated annual financial report.

Part 8.10 Publication of Financial Information

Executive To Publish Annual Financial Plan And Consolidated Annual Financial Report

8.10.1

The Nunatsiavut Executive Council must publish the annual financial plan of the Nunatsiavut Government and the consolidated annual financial report of the Nunatsiavut Government at the same time as they are presented by the Nunatsiavut Treasurer to the Nunatsiavut Assembly or the President of Nunatsiavut, as the case may be.

Copies of the Quarterly Reports To Be Provided On Request

8.10.2

When requested to do so by a Labrador Inuk, the Nunatsiavut Executive Council must provide a copy of a quarterly financial report to the Inuk making the request and may charge a reasonable cost recovery fee for doing so.

Publication Of Other Financial Information

8.10.3

The Nunatsiavut Assembly may make laws requiring the publication of other information related to the management of the financial affairs of the Nunatsiavut Government.

Part 8.11 Audit and Nunatsiavut Auditor

Auditor for Nunatsiavut

8.11.1

There shall be an Auditor for Nunatsiavut.

Auditor to Be Appointed By President On Nomination Of Assembly

8.11.2 The Auditor for Nunatsiavut shall be an individual appointed by the President of Nunatsiavut on the nomination of the Nunatsiavut Assembly.

Auditor's Term Of Office

8.11.3

The Auditor for Nunatsiavut shall hold office for 5 years.

Auditor May Be Removed By Special Majority Of Assembly

8.11.4

The Auditor for Nunatsiavut may be removed from office before the end of the 5 year term by a vote supported by at least 60% of the members of the Nunatsiavut Assembly.

Annual Audit

8.11.5

The Auditor for Nunatsiavut shall audit the accounts and financial transactions of the Nunatsiavut Government in each fiscal year in accordance with generally accepted auditing standards.

Auditor To Report To Assembly

8.11.6

The Auditor for Nunatsiavut shall report to the Nunatsiavut Assembly on the result of the audit.

Contents Of Audit Report

8.11.7

The report of the Auditor for Nunatsiavut shall include the opinion of the Auditor on whether or not:

- (a) the consolidated annual financial report for Nunatsiavut presents accurately and fairly, in all material respects, the financial position of Nunatsiavut as at the end of the fiscal year, the results of its operations during the fiscal year, and changes in its financial position for the fiscal year;
- (b) the Nunatsiavut Government is keeping proper accounts and records in accordance with required standards;
- (c) the Nunatsiavut Government collected and spent the authorized amount of money for the purposes intended by the Nunatsiavut Assembly;
- (d) the Nunatsiavut Government's programs were run economically and efficiently; and
- (e) the Nunatsiavut Government's policies and programs were well implemented.

Additional Matters May Be Included In Audit Report

8.11.8

The report of the Auditor for Nunatsiavut may include any other matter required by Inuit law and may call attention to any other matter falling within the scope of the audit that, in the opinion of the Auditor, should be brought to the attention of the Nunatsiavut Assembly.

Audit of Parties Receiving Funding From Nunatsiavut Government

8.11.9

The Auditor for Nunatsiavut may be required by the Nunatsiavut Assembly to audit and report on the financial management of any person or organization that has received or is seeking financial aid from the Nunatsiavut Government.

Powers Of Auditor

8.11.10

The Auditor for Nunatsiavut shall have such additional powers and perform such additional duties as may be granted and required under Inuit law.

Auditor's Access To Information

8.11.11

The Auditor for Nunatsiavut shall be entitled to free access, at convenient times, to information that relates to the fulfilment of the Auditor's responsibilities and will be entitled to require and receive from the Nunatsiavut Civil Service any information, reports and explanations that the Auditor considers necessary for the fulfilment of the Auditor's responsibilities.

Part 8.12 Inuit Inter-governmental Financial Matters

Nunatsiavut Assembly to Share and Allocate Revenue under Fiscal Financing Agreements

8.12.1

The Nunatsiavut Assembly must, in terms of Inuit law, provide for the equitable division among the Inuit Community Governments of revenue received under fiscal financing agreements for purposes of basic programs and services being delivered by Inuit Community Governments.

Consultation with Inuit Community Governments

8.12.2

An Inuit law under section 8.12.1 may only be made after the Inuit Community Governments have been consulted and must take into account:

- (a) the needs and interests of the Nunatsiavut Government and the Labrador Inuit residing in Nunatsiavut as a whole;
- (b) the need to ensure that the Inuit Community Governments are able to provide the functions and services allocated to them and meet their obligations under the Labrador Inuit Land Claims Agreement, the Labrador Inuit Constitution or Inuit law;
- (c) the fiscal capacity and efficiency of the Inuit Community Governments;
- (d) developmental and other needs of the Inuit Community Governments as determined under their respective annual financial plans.
- (e) economic disparities within and among the Inuit Communities; and
- (f) the desirability of stable and predictable allocations of revenue shares.

Additional Allocations to Inuit Community Governments

8.12.3

Nothing prevents the Nunatsiavut Assembly from making allocations to an Inuit Community Government in addition to its share of revenue received under a fiscal financing agreement.

Transfer to Inuit Community Governments

8.12.4

An Inuit Community's allocation of revenue under this Part is a direct charge against the Nunatsiavut Fund and must be transferred to the Community promptly and without deduction, except where the transfer has been stopped in terms of section 8.12.5.

Executive Control of Transfers to Inuit Community Governments

8.12.5

The Nunatsiavut Executive Council may, without complying with the provisions of Part 10.1, stop the transfer of funds to an Inuit Community Government only if:

- (a) the Inuit Community Government is responsible for a serious or persistent material breach of Part 10.8 or any other provision of the Labrador Inuit Constitution which establishes measures to ensure transparency in and control over the raising and spending of money by the Inuit Community Governments;
- (b) the circumstances contemplated in section 10.7.7 arise; or
- (c) the Inuit Community Government has failed or refused to establish uniform measures in accordance with a requirement of the Nunatsiavut Assembly established under section 12.2.1(d).

Limitations on Executive Control of Transfers to Inuit Community Governments

8.12.6

A decision to stop the transfer of funds to an Inuit Community Government under section 8.12.5:

- (a) may not stop the transfer of funds for more than 120 days without authorization of the Nunatsiavut Assembly;
- (b) shall be referred to the Auditor for Nunatsiavut who must report on the matter to the Nunatsiavut Assembly and the Inuit Community Government concerned; and
- (c) may be rescinded at any time.

CHAPTER 9

CUSTOMARY LAW, THE INUIT COURT AND ADMINISTRATION OF JUSTICE

Part 9.1 Labrador Inuit Customary Law

Labrador Inuit Customary Law Defined

9.1.1

The customs, traditions, observances, practices and beliefs of the Inuit of Labrador which, despite changes over time, continue to be accepted by Labrador Inuit as establishing standards or procedures that are to be respected by Labrador Inuit are the customary laws of the Labrador Inuit and are referred to as Labrador Inuit customary law.

Inuit Customary Law is the Underlying Law of Labrador Inuit

9.1.2

Labrador Inuit customary law is the underlying law of the Labrador Inuit and of Nunatsiavut for all matters within the jurisdiction or authority of the Nunatsiavut Assembly.

Relationship Between Inuit Customary Laws and the Inuit Charter of Rights

9.1.3

If a Labrador Inuit customary law is inconsistent with the Inuit Charter of Rights and Responsibilities the Charter prevails to the extent of the inconsistency. For purposes of this section a Labrador Inuit customary law is not inconsistent with the Inuit Charter of Rights and Responsibilities merely because the Labrador Inuit customary law is inconsistent with the beliefs or opinions of an individual Labrador Inuk or group of Labrador Inuit individuals.

Relationship Between Inuit Customary Laws and Inuit Laws

9.1.4

If a Labrador Inuit customary law applies to a matter for which an Inuit law has been made:

- (a) both laws are equally operative to the extent that they do not conflict with each other; and
- (b) Labrador Inuit customary law will prevail to the extent of any conflict with an Inuit law unless the Inuit law expressly extinguishes, replaces or varies the Labrador Inuit customary law.

Codification of Inuit Customary Law

9.1.5

The Nunatsiavut Assembly may make laws for the codification of Labrador Inuit customary law and may give recognition and legal force and effect to a code of Labrador Inuit customary law.

Recognition and Determination of Inuit Customary Law

9.1.6

Labrador Inuit customary law may be recognized by any judicial or administrative authority and in any proceeding the existence and content of any Labrador Inuit customary law may be established:

- (a) if the Labrador Inuit customary law has been codified under section 9.1.5, with reference to the code; or
- (b) as a question of fact in relation to the specific matter or matters at issue in the proceeding.

Proof of Inuit Customary Law as a Question of Fact

9.1.7

A person alleging the existence or content of Labrador Inuit customary law under subsection 9.1.6(b) must prove the existence and the content of the Inuit customary law on the balance of probabilities and for that purpose may introduce:

- (a) the oral and written traditions, observances and practices of the Labrador Inuit, an Inuit Community or a relevant group of Labrador Inuit;
- (b) the opinions of Labrador Inuit elders or other persons who have special knowledge or experience of Inuit customary law in relation to the matter or would be likely to have such knowledge or experience if such law existed;

- (c) evidence of the consensus of the Labrador Inuit or community or group of Labrador Inuit, as appropriate; and
- (d) any other evidence that is relevant.

Rules of Evidence in Relation to Inuit Customary Law

9.1.8

In determining the existence, non-existence or content of an Inuit customary law a court or tribunal must:

- (a) take into account all evidence that is relevant in the proceeding
- (b) not apply any rule of evidence (including rules against the admissibility of hearsay evidence, opinion evidence or secondary documents or rules requiring authentication of written records) so as to exclude from consideration forms of evidence referred to in subsections 9.1.7(a), (b) and (c); and
- (c) enable 2 or more Labrador Inuit or members of a community or group of Labrador Inuit to give evidence together if they wish to do so.

Part 9.2 The Inuit Court

Inuit Court Established

9.2.1

There shall be an Inuit Court.

Judicial Authority vested in Inuit Court

9.2.2

The judicial authority of the Nunatsiavut Government and the Inuit Community Governments is vested in the Inuit Court.

Independence of the Inuit Court

9.2.3

The Inuit Court is independent and subject only to the Labrador Inuit Constitution and law.

Impartiality of the Inuit Court

9.2.4

The Inuit Court must apply the Labrador Inuit Constitution, Labrador Inuit customary law, Inuit law and any other law that it may from time to time administer in an impartial manner without favour, fear or prejudice.

Inuit Court to be Free from Interference

9.2.5

No person and no government entity may interfere with the functioning of the Inuit Court.

Independence of Inuit Court to be Protected

9.2.6

The Nunatsiavut Government and the Inuit Community Governments, through legislative and other measures, must assist and protect the Inuit Court to ensure its independence.

Orders of the Court bind Governments

9.2.7

An order or decision of the Inuit Court binds all persons and Inuit government entities to which it applies.

Jurisdiction of the Inuit Court

9.2.8

The Inuit Court has jurisdiction:

- (a) to interpret and apply the Labrador Inuit Constitution, Labrador Inuit customary law, Inuit law and bylaws of Inuit Community Governments;
- (b) review and hear appeals from decisions of the Nunatsiavut Assembly under section 2.3.2;
- (c) determine the validity of an Inuit law or a bylaw of an Inuit Community Government;
- (d) to decide disputes between Inuit government entities including disputes between the Nunatsiavut Government and an Inuit Community Government;
- (e) to determine the constitutionality of a bill and an amendment to the Labrador Inuit Constitution;
- (f) to decide that the President of Nunatsiavut the Nunatsiavut Assembly, the Nunatsiavut Executive Council a member of the Nunatsiavut Civil Service or an Inuit Community Government has failed to fulfill an obligation under the Inuit Constitution or an Inuit law;
- (g) to determine any matter referred to it by the President of Nunatsiavut;
- (h) to decide whether an appeal or review of an administrative decision has been fairly carried out; and
- (i) to decide any other matter that might properly come before the court.

Remedies in Constitutional Matters

9.2.9

When deciding a constitutional matter the Inuit Court:

- (a) must declare that any law or conduct that is inconsistent with the Labrador Inuit Constitution is invalid to the extent of its inconsistency;
- (b) must declare that any law that is beyond the competence of the Nunatsiavut Assembly or bylaw of an Inuit Community Government is invalid; and

- (c) may make any order that is just and equitable, including:
 - (i) an order limiting the retrospective effect of the declaration of invalidity; and
 - (ii) an order suspending the declaration of invalidity for any period and on any conditions, to allow the competent authority to correct the defect.

Participation in Proceedings of the Inuit Court

9.2.10

Any person or government with a sufficient interest may participate in a proceeding of the Inuit Court with respect to the constitutional invalidity of any law or conduct or the existence or content of a Labrador Inuit customary law.

Court Procedures

9.2.11

The rules and procedures of the Inuit Court must be provided for in terms of Inuit law.

Inherent Power of Inuit Court

9.2.12

The Inuit Court has the inherent power to protect and regulate its own process and to develop Labrador Inuit customary law, taking into account the interests of justice.

Composition of the Inuit Court

9.2.13

The Inuit Court consists of at least 1 judge and, in terms of Inuit law, may consist of up to 3 judges.

Appointment of Judges of the Inuit Court

9.2.14

The President of Nunatsiavut shall appoint the judges of the Inuit Court in accordance with the following procedures:

- (a) the President shall request the Nunatsiavut Judicial Council to submit a list of nominees containing 2 names more than the number of appointments to be made;
- (b) the President shall request the Nunatsiavut Assembly to submit a list of nominees containing 1 name more than the number of appointments to be made; and
- (c) the President shall consult the other members of the Nunatsiavut Executive Council before making an appointment or appointments from the 2 lists.

Qualifications to be a Judge of the Inuit Court

9.2.15

Any appropriately qualified Labrador Inuk who is a fit and proper person may be appointed as a judge of the Inuit Court.

Oath of Judicial Office

9.2.16

Every judge of the Inuit Court shall, before assuming his or her office, take the following oath of office which shall be administered by the President of Nunatsiavut:

“I, _____, swear/solemnly affirm that, as a judge of the Inuit Court, I will be faithful to the Labrador Inuit and the people of Nunatsiavut, will uphold and protect the Labrador Inuit Constitution and the human rights of the Labrador Inuit entrenched in it and will administer justice to all persons alike without fear, favour or prejudice, in accordance with the Labrador Inuit Constitution and the law (in the case of an oath: so help me God).”

Term of Office

9.2.17

A judge of the Inuit Court is appointed during good behavior but must retire at the age of 75.

Removal of a Judge

9.2.18

A judge shall be removed from office only if:

- (a) the Nunatsiavut Judicial Council finds that the judge suffers from an incapacity, is incompetent, is guilty of misconduct or has breached his or her oath of judicial office; and
- (b) the Nunatsiavut Assembly calls for that judge to be removed by a resolution adopted with a supporting vote of at least 60% of its members.

Suspension

9.2.19

The President of Nunatsiavut, on the advice of the Nunatsiavut Judicial Council may suspend a judge of the Inuit Court who is the subject of a procedure in terms of section 9.2.18.

Salaries and Allowances of Judges

9.2.20

The salaries, allowances and benefits of judges of the Inuit Court shall be established under Inuit law and once established may not be reduced.

Other Matters concerning Inuit Court

9.2.21

Inuit law may provide for any matter concerning the Inuit Court and the administration of justice that is not dealt with in the Labrador Inuit Constitution including:

- (a) the establishment of qualifications for appointment as a judge of the Inuit Court;
- (b) training programs for judges of the Inuit Court;
- (c) the participation of people other than judges of the Inuit Court in decisions of the Inuit Court; and
- (d) subject to part 9.3 the establishment, administration and procedures of the Nunatsiavut Judicial Council.

Part 9.3 Nunatsiavut Judicial Council

Council may be Appointed by President

9.3.1

The President of Nunatsiavut may, from time to time, appoint the Nunatsiavut Judicial Council in accordance with this part.

Composition of Nunatsiavut Judicial Council

9.3.2

The President shall appoint to the Nunatsiavut Judicial Council 5 members as follows:

- (a) a justice or retired justice of a court in Canada who must be one of 3 such people (at least one of whom must be a woman) who is willing to serve in that capacity and has been nominated by the senior judge of the Inuit Court or in the absence of such person, the Chief Justice of Newfoundland and Labrador;
- (b) one member of the Law Society of Newfoundland and Labrador who shall be one of 3 such people (at least one of whom must be a woman) nominated by the President of the Law Society of Newfoundland and Labrador;
- (c) a Labrador Inuit member of a Bar in Canada who shall be one of 3 such people (at least one of whom must be a woman) nominated by the President of the Canadian Bar Association;
- (d) a Labrador Inuk from a list of 4 Inuit (at least 3 of whom must be women) nominated by the Nunatsiavut Executive Council;
- (e) a Labrador Inuk from a list of 4 Inuit (at least 3 of whom must be women) nominated by the Nunatsiavut Assembly.

Term of Office

9.3.3

A member of the Nunatsiavut Judicial Council shall serve for 3 years during good behaviour and unless dismissed for lack of good behaviour shall continue to hold office until reappointed or a new member is appointed in his or her place. A member of the Nunatsiavut Judicial Council may be reappointed.

Quorum

9.3.4

A majority of the members of the Nunatsiavut Judicial Council constitutes a quorum and a majority vote is sufficient for the exercise of all of the powers and functions of the Nunatsiavut Judicial Council.

Procedures of Judicial Council

9.3.5

The Nunatsiavut Judicial Council may, subject to Inuit law, determine its own rules of procedure including the appointment of a chair.

Functions of Judicial Council

9.3.6

The functions of the Nunatsiavut Judicial Council are:

- (a) to make recommendations to the President of Nunatsiavut for judicial appointments in accordance with part 9.2;
- (b) to receive and investigate complaints against a judge of the Inuit Court;
- (c) to make recommendations to the President of Nunatsiavut as it considers appropriate;
- (d) to prepare and revise, in consultation with the judges of the Inuit Court, a code of ethics for the judges of the Inuit Court;
- (e) to consider proposals for improving the services of the Inuit court and to report on any such matter to the President of Nunatsiavut;
- (f) to make recommendations to the Nunatsiavut Assembly respecting the salaries, allowances and benefits to be paid to judges of the Inuit Court;
- (g) to advise the Nunatsiavut Executive Council on any matter relating to the Inuit Court, judges of the Inuit Court or the administration of justice; and
- (h) to review and report on any matter referred to it by the Nunatsiavut Executive Council.

Investigation of Complaints

9.3.7

When the Nunatsiavut Judicial Council receives a complaint about a judge of the Inuit Court it shall immediately refer that complaint to a person whom the Council considers suitable to investigate and report on the complaint and, after considering the report, may dismiss the complaint as frivolous, vexatious or unfounded or immediately proceed to hold an inquiry in respect of the report and complaint.

Inquiries by Judicial Council

9.3.8

Where the Nunatsiavut Judicial Council holds an inquiry into a complaint it shall do so in private unless the judge who is the subject of the inquiry requests a public inquiry, after giving at least 30 days notice in writing to the judge against whom the complaint has been made, by hearing from the complainant and the judge who is the subject of the inquiry.

Recommendations following an Inquiry

9.3.9

Following an inquiry the Nunatsiavut Judicial Council may recommend that:

- (a) a judge be removed from his or her office;
- (b) a judge be suspended for a definite period of time, with or without a salary;
- (c) a judge be reprimanded;
- (d) a judge be reinstated with or without a reprimand; and
- (e) the complaint be dismissed and the judge be compensated for costs incurred in relation to the inquiry.

Where there is No Nunatsiavut Judicial Council

9.3.10

Prior to the appointment of the Nunatsiavut Judicial Council or where no appointments have been made to the Nunatsiavut Judicial Council, the President of Nunatsiavut must assign the functions of the Nunatsiavut Judicial Council to the Judicial Council of the Provincial Court of Newfoundland and Labrador until such time as the Nunatsiavut Judicial Council is established.

Part 9.4 Nunatsiavut Law Enforcement Agency

Nunatsiavut Assembly may Establish the Nunatsiavut Law Enforcement Agency

9.4.1

The Nunatsiavut Assembly may enact legislation to establish the Nunatsiavut Law Enforcement Agency ("The Nunatsiavut Law Enforcement Agency Act").

Requirements of Inuit law respecting Nunatsiavut Law Enforcement Agency

9.4.2

The Nunatsiavut Law Enforcement Agency Act must:

- (a) set out the powers and functions of the Agency;
- (b) enable the Agency to discharge its responsibilities efficiently taking into account the needs of the Inuit Communities;
- (c) provide that the objects of the Agency are a police force to:

- (i) prevent, combat and investigate offenses under Inuit law and bylaws of the Inuit Community Governments and, if so authorized, federal and provincial law;
 - (ii) maintain peace, order and security amongst Labrador Inuit and in the Inuit Communities;
 - (iii) protect people from harm or danger and to promote the personal security, safety and freedoms of all people;
 - (iv) protect property;
 - (v) execute the process of the courts; and
 - (vi) discharge other functions assigned by law;
- (d) designate a member of the Nunatsiavut Executive Council as the minister responsible for the Agency and for establishing a framework for managing and controlling Inuit law enforcement services;
 - (e) require that the minister responsible for the Agency establishes law enforcement standards and guidelines for Nunatsiavut and Labrador Inuit after consulting the Inuit of Labrador and the Inuit Communities;
 - (f) provide for the appointment by the President of Nunatsiavut after consultation with the Nunatsiavut Assembly, of a commissioner of the Agency;
 - (g) provide that the function of the commissioner of the Agency is to control and manage the Nunatsiavut Law Enforcement Agency in accordance with the Inuit law enforcement standards and guidelines;
 - (h) require that the commissioner of the Agency shall serve during good behaviour and may only be removed from office by the President on a vote supported by at least 60% of the members of the Nunatsiavut Assembly;
 - (i) provide that no institution of Labrador Inuit government or member of an institution of Labrador Inuit government may interfere with the investigation of an offense by the Agency;
 - (j) require officers of the Agency to enforce the law impartially and without intimidation, favour or prejudice;
 - (k) establish an independent complaints authority for investigating complaints about alleged misconduct by Inuit law enforcement officers or the quality of services provided by the Agency with power to reprimand, remove from office or take other disciplinary action against members of the Agency; and
 - (l) establish a procedure for making complaints to the police complaints authority.

Part 9.5 Proceedings respecting Validity of Laws and Actions

Notice of Issues to be Given

9.5.1

Where a court or tribunal is asked to consider:

- (a) the validity of an Inuit law or a bylaw of an Inuit Community Government;
- (b) the validity of an administrative decision of an official of the Nunatsiavut Government or an Inuit Community Government; or
- (c) a matter requiring interpretation of the Labrador Inuit Constitution or a determination of the validity of a provision of the Labrador Inuit Constitution, notice of the proceeding, the matter or matters in issue and of the order or decision that is being requested shall be given to the appropriate person under section 9.5.2.

Person to be Served with Notice

9.5.2

The appropriate person to be served with notice under section 9.5.1 is:

- (a) the President of Nunatsiavut where the matter involves the validity of an Inuit law or the interpretation or validity of the Labrador Inuit Constitution;
- (b) the AngajukKâk of an Inuit Community Government where the matter involves the validity of a bylaw of the Inuit Community Government or of an administrative decision of the Inuit Community Government; and
- (c) the member of the Nunatsiavut Executive Council responsible for legal matters or in the absence of such official, the First Minister of Nunatsiavut, and the person whose administrative decision is in issue where the proceeding involves the validity of an administrative decision of a member of the Nunatsiavut Government.

Participation in the Proceedings

9.5.3

The appropriate person under section 9.5.2 may take part in proceedings before a court or tribunal so far as they relate to the making of an order or decision with respect to a matter referred to in section 9.5.1.

Legislative Remedy for Findings of Invalidity of Inuit Law

9.5.4

If a court orders or decides that an Inuit law or a decision of an official of the Nunatsiavut Government is invalid or that a provision of the Labrador Inuit Constitution is invalid, the matter must be referred to the next sitting of the Nunatsiavut Assembly by the Nunatsiavut Executive Council together with any recommendation or bill that the Nunatsiavut Executive Council considers necessary to remedy the defect.

Legislative Remedy for Findings of Invalidity of Bylaws of Inuit Community Governments

9.5.5

If a court orders or decides that a bylaw or a decision of an official of an Inuit Community Government is invalid, the matter must be referred by the AngajukKâk to the Inuit Community Government together with any recommendation that the AngajukKâk considers necessary to remedy the defect.

CHAPTER 10

INUIT COMMUNITY GOVERNMENTS

Part 10.1 Status of Inuit Community Governments

Inuit Communities and Their Governments

10.1.1

Nunatsiavut has the following Inuit Communities, each of which shall have an Inuit Community Government:

- (a) Nain,
- (b) Hopedale,
- (c) Makkovik,
- (d) Postville, and
- (e) Rigolet.

Boundaries of Inuit Communities

10.1.2

The boundaries of the Inuit Communities are those that are established under the Labrador Inuit Land Claims Agreement and may be extended in accordance with that agreement and Inuit law.

Legislative Authority of Inuit Community Governments

10.1.3

The legislative authority of an Inuit Community Government is vested in its Inuit Community Council.

Right to Govern Local Government Affairs

- 10.1.4 An Inuit Community Government has the right to govern, on its own initiative, the local government affairs of its community, subject to the Labrador Inuit Land Claims Agreement, the Labrador Inuit Constitution and applicable laws.

Nunatsiavut Government not to Impede Community Governments

10.1.5

The Nunatsiavut Government may not compromise or impede an Inuit Community Government's ability or right to exercise its powers or perform its functions except in terms of the Labrador Inuit Constitution.

Nunatsiavut Government Supervision of Community Government Administration

10.1.6

When an Inuit Community Government cannot or does not fulfill an obligation in terms of Inuit law, including an Inuit law made under section 12.2.1, the Labrador Inuit Constitution or the Labrador Inuit Land Claims Agreement, the Nunatsiavut Executive Council may intervene by taking any appropriate steps to ensure fulfilment of that obligation, including:

- (a) issuing a directive to the Inuit Community Government describing the extent of the failure to fulfill its obligations and stating any steps required to meet its obligations; and
- (b) assuming responsibility for the relevant obligation in that Inuit Community to the extent necessary to:
 - (i) maintain essential standards or meet minimum standards for the maintenance of community infrastructure or utilities or the rendering of a service or program;
 - (ii) maintain proper financial administration;
 - (iii) maintain public peace, order and security; or
 - (iv) prevent an Inuit Community Government from taking unreasonable action that is prejudicial to the interests of another Inuit Community or to the Labrador Inuit or Nunatsiavut as a whole.

Notice of Intention to Intervene

10.1.7

If the Nunatsiavut Executive Council intends to intervene in an Inuit Community in terms of subsection 10.1.6(b) it must, except in case of an emergency, give 10 days' notice of intention to intervene to the Inuit Community Government and of any actions that the Inuit Community Government may take within that time in order to minimize or avoid the necessity of an intervention by the Nunatsiavut Executive Council.

Procedure to be Followed for Supervision of an Inuit Community

10.1.8

If the Nunatsiavut Executive Council intervenes in an Inuit Community in terms of subsection 10.1.6(b):

- (a) notice of the intervention must be given to the Inuit Community Government and must be tabled in the Nunatsiavut Assembly, within 24 hours or, if the Nunatsiavut Assembly is not then sitting, on the first day of its first sitting after the intervention began;

- (b) the intervention must end unless it is approved by the Nunatsiavut Assembly within 30 days of the notice of intervention being tabled in the Nunatsiavut Assembly; and
- (c) the Nunatsiavut Assembly must review the intervention regularly and may make any appropriate recommendations to the Nunatsiavut Executive Council.

Inuit law to Regulate the Process for Interventions

10.1.9

The Nunatsiavut Assembly may regulate the process established under sections 10.1.7 and 10.1.8 in terms of Inuit law.

Part 10.2 Objects and Authority of Inuit Community Governments

Objects of Inuit Community Governments

10.2.1

The objects of Inuit Community Governments are:

- (a) to provide democratic and accountable government for Inuit Communities in accordance with the Labrador Inuit Constitution and the Labrador Inuit Land Claims Agreement;
- (b) to ensure the provision of services to Inuit Communities in a sustainable manner;
- (c) to promote social and economic development;
- (d) to promote a safe and healthy environment; and
- (e) to encourage the involvement of the Inuit Communities and Inuit Community organizations in matters of local government.

Obligation of Inuit Community Government to Pursue its Objects

10.2.2 An Inuit Community Government must strive, within its financial and administrative capacity, to achieve the objects set out in section 10.2.1.

Developmental Duties of Inuit Community Governments

10.2.3 An Inuit Community Government must:

- (a) structure and manage its administration, budgeting and planning process to give priority to the basic needs of the community and to promote the social and economic development of the community; and
- (b) participate in Nunatsiavut, provincial and national development programs.

Intergovernmental Cooperation

10.2.4

The Nunatsiavut Government, by legislative and other measures, is expected to support and strengthen the capacity of the Inuit Community Governments to manage their own affairs, to

exercise their powers and to perform their functions. This section does not impose any financial obligation on the Nunatsiavut Government.

Inuit Laws that Affect Inuit Governments

10.2.5

A draft bill that may result in Inuit law that affects the status, institutions, powers or functions of Inuit Community Governments must be published in all the Inuit Communities for public comment before it is introduced in the Nunatsiavut Assembly. The publication required by this section must be done in a manner that allows Inuit Community Governments and other interested persons and Inuit Community organizations an opportunity to make representations with regard to the draft bill.

Inuit Law to Govern Process for Consultation

10.2.6

The Nunatsiavut Assembly may regulate the process established by section 10.2.5 in terms of Inuit law.

Powers and Functions of Inuit Community Governments

10.2.7

An Inuit Community Government has the legislative and executive authority in respect of, and the right to administer:

- (a) the matters that are within the legislative competence of the Inuit Community Governments under chapter 17 of the Labrador Inuit Land Claims Agreement; and
- (b) any other matter assigned to it by Inuit law.

Territorial Authority of Inuit Community Governments

10.2.8

The territorial authority of an Inuit Community Government extends:

- (a) for matters referred to in subsection 10.2.7(a), to lands within the boundaries of the Inuit Community; and
- (b) with respect to any other matter assigned to it by Inuit law, to the territory defined by the Inuit law.

Constitutional Obligations of Inuit Community Governments

10.2.9

An Inuit Community Government is bound by the Labrador Inuit Land Claims Agreement, the Labrador Inuit Constitution, Inuit law respecting Inuit Community Governments and, if it has passed its own constitution under part 10.3, that constitution.

Part 10.3 Internal Arrangements, Proceedings and Procedures of Inuit Community Governments

Inuit Community Government may determine its Internal Arrangements

10.3.1

Subject to the Labrador Inuit Land Claims Agreement, the Labrador Inuit Constitution and Inuit law, an Inuit Community Government may:

- (a) determine and control its own internal arrangements, proceedings and procedures;
- (b) make rules and orders concerning its business and proceedings; and
- (c) prescribe rules and orders for the establishment, composition, procedures, powers and functions of its committees.

Inuit Community Government Rules and Orders must Provide for Minorities

10.3.2

The rules and orders of an Inuit Community Government under section 10.3.1 must:

- (a) subject to the Labrador Inuit Land Claims Agreement provide for representative and participatory democracy, accountability, transparency and public involvement;
- (b) provide for the participation in the proceedings of the Inuit Community Council and its committees of Councillors occupying minority seats within a Inuit Community Council;
- (c) provide for equal financial and administrative assistance, if any, to each Councillor to enable all Councillors to perform their functions effectively; and
- (d) where the number of new residents so warrants, the establishment of a special committee of new residents or other arrangements and procedures to encourage the participation of new residents in the affairs of the community.

Committees and Employees

10.3.3

An Inuit Community Council:

- (a) may elect an executive committee and other committees, subject to Inuit law; and
- (b) may employ personnel that are necessary for the effective performance of its functions.

Frequency of Inuit Community Council Meetings

10.3.4

Inuit Community Council meetings shall be held at least once every 2 months.

Quorum

10.3.5

A majority of the members of an Inuit Community Council must be present before a vote may be taken on any matter.

Special Majority Required

10.3.6

All questions concerning the following matters must be determined by a decision taken by an Inuit Community Council with a supporting vote of a majority of its members:

- (a) the passing of bylaws;
- (b) the approval of budgets;
- (c) the imposition of rates and other taxes, levies and duties within the competence of the Inuit Community Government;
- (d) the raising of loans; and
- (e) the sale of Community Lands.

Normal Votes

10.3.7

All other questions before an Inuit Community Council are decided by a majority of the votes cast.

Notice and Publication of Bylaws

10.3.8

No bylaw may be passed by an Inuit Community Council unless:

- (a) all members of the Council have been given reasonable notice; and
- (b) the proposed bylaw has been published for public comment.

Council Business to be Public

10.3.9

An Inuit Community Council must conduct its business in an open and public manner and may close its sittings, or those of its committees, only when it is reasonable to do so having regard to the nature of the business being transacted.

Right of Participation of Councillors

10.3.10

Members of Inuit Community Councils are entitled to participate in the proceedings of the Council and those of its committees in a manner that allows parties and interests reflected within the Council to be fairly represented.

Bylaws respecting Internal Arrangements

10.3.11

An Inuit Community Council may make bylaws for the purposes of section 10.3.1 and 10.2.7.

Procedure for Enactment of Inuit Community Government Bylaws

10.3.12

A bylaw is enacted by an Inuit Community Government when:

- (a) notice of the bylaw has been given in accordance with section 10.3.8;
- (b) the bylaw has been introduced and considered by the Inuit Community Council in accordance with its rules;
- (c) the bylaw has been passed by the Inuit Community Council in accordance with its rules, subject to sections 10.3.5, 10.3.6 and 10.3.7; and
- (d) the bylaw has been signed and sealed by the AngajukKâk.

Signing of Bylaws by AngajukKâk

10.3.13

The AngajukKâk shall not sign a bylaw into effect if it has not been passed in accordance with the requirements of subsections 10.3.12(a), (b) and (c).

Coming into Effect of Bylaws

10.3.14

A bylaw of an Inuit Community Government may be enforced only after:

- (a) it has been signed and sealed by the AngajukKâk; and
- (b) it has been published.

Publication of Inuit Community Government Bylaws

10.3.15

Inuit law may provide for the publication of bylaws of the Inuit Community Governments but in the absence of an Inuit law, each Inuit Community Government is responsible for the official publication of its own bylaws.

Bylaws to be Maintained in Central Registries

10.3.16

Duplicate original copies of every bylaw of an Inuit Community Government shall be forwarded immediately under signature of the AngajukKâk to the President of Nunatsiavut and the Inuit Court for registration and safe keeping.

Bylaws to be Accessible to the Public

10.3.17

Inuit Community Government bylaws must be accessible to the public.

Part 10.4 Composition of Inuit Community Governments

Organs of Inuit Community Governments

10.4.1

Each Inuit Community Government is composed of an AngajukKâk and Inuit Community Councillors.

Number of Councillors

10.4.2

The number of Inuit Community Councillors shall be as follows:

- (a) for an Inuit Community of 2000 residents or less, 7 Councillors; and
- (b) for an Inuit Community of over 2000 residents, 9 Councillors.

Allocation of Council Seats

10.4.3

The number of Council seats allocated to Inuit, Residents and their Descendants (within the meaning of the Labrador Inuit Land Claims Agreement) and the number allocated to New Residents (within the meaning of the Labrador Inuit Land Claims Agreement) shall be in accordance with the following table:

Total Number of Councillors	Council Seats Reserved for Inuit, Residents & Descendants	Council Seats Reserved for New Residents
7	no less than 5 seats	no more than 2 seats
9	no less than 7 seats	no more than 2 seats

Voters in an Election for AngajukKâk

10.4.4

Every resident of an Inuit Community who is of the full age of 16 years is entitled to vote in an election for the AngajukKâk of the Community and to do so in secret.

Eligibility for Election as AngajukKâk

10.4.5

Only a qualified adult Inuk ordinarily residing in an Inuit Community may be nominated for election as AngajukKâk of the Community.

Voters in Election of Councillors to Represent Inuit and Original Residents

10.4.6

Only Inuit and Residents and their Descendants, as defined under the Labrador Inuit Land Claims Agreement, of the full age of 16 years who ordinarily reside in an Inuit Community may vote in an election for Inuit Community Councillors to represent Inuit, Residents and their Descendants in the Inuit Community Council for the Community.

Eligibility for Election as a Councillor representing Inuit and Original Residents

10.4.7

Only qualified Inuit and Residents and their Descendants, as defined in the Labrador Inuit Land Claims Agreement, who ordinarily reside in an Inuit Community may be nominated for election as an Inuit Community Councillor to represent Inuit and Residents and their Descendants in the Inuit Community Council for the Community.

Voters in Election of Councillors to represent New Residents

10.4.8

Only New Residents, as defined under the Labrador Inuit Land Claims Agreement, of the full age of 16 years may vote in an election for Inuit Community Councillors to represent New Residents in the Inuit Community Council for the Community.

Eligibility for Election as Councillor representing new Residents

10.4.9

Only qualified New Residents, as defined in the Labrador Inuit Land Claims Agreement, who ordinarily reside in an Inuit Community may be nominated for election as an Inuit Councillor to represent New Residents in the Inuit Community Council for the Community.

Qualification to be Elected as AngajukKâk or Councillor

10.4.10

A person is qualified to be elected to office as AngajukKâk or an Inuit Community Councillor under 10.4.5, 10.4.7 and 10.4.9 if he or she is of the full age of 19 years unless he or she:

- (a) is an ordinary member of the Nunatsiavut Assembly or is a member of the Newfoundland and Labrador House of Assembly or the Parliament of Canada;
- (b) is an unrehabilitated bankrupt;
- (c) is a person who is declared to be of unsound mind by a court of competent jurisdiction;
- (d) is a person who within 12 months of the date of the election was convicted of a criminal offence and sentenced to more than 12 months imprisonment; or
- (e) owes money to an Inuit Community Government or the Nunatsiavut Government in respect of taxes, dues or fees.

When Elections are Held

10.4.11

Elections for Inuit Community Councillors shall take place every 4 years on the last Tuesday in September or such other date as may be established by the Nunatsiavut Assembly. Elections for AngajukKâk shall take place every 4 years on the second Tuesday in September or such other date which is 2 weeks prior to the date that may be established by the Nunatsiavut Assembly. An unsuccessful candidate for the office of AngajukKâk shall be eligible to be elected an Inuit Community Councillor in the election of Councillors which immediately follows the election of AngajukKâk

Variation in Dates of Regular Elections

10.4.12

The Nunatsiavut Executive Council may, by order, defer a general election with respect to one or more Inuit Community Governments for periods not exceeding 1 year in total.

Special Elections

10.4.13

The Nunatsiavut Executive Council may order the holding of a special election or a by-election for an Inuit Community Government on a day set out in the order and in terms of an Inuit law.

First Community Government Election

10.4.14

The first election for Inuit Community Councillors shall be held on a date to be established by the Nunatsiavut Assembly. The first election for AngajukKât shall be held on a date that is 2 weeks prior to such date.

Returning Officer

10.4.15

The clerk of the municipality under the *Municipalities Act* in each of the Inuit Communities on the date of the first election shall be the Returning Officer for the first election of an Inuit Community Government and where there is no clerk or the clerk is unable to act, the Council shall appoint a Returning Officer.

Rules governing Elections

10.4.16

Election procedures and voting shall be governed by Inuit law but if the Nunatsiavut Assembly has not enacted an Inuit law to govern Inuit Community Government elections prior to the date of the first Inuit Community Government elections, the elections shall be held in accordance with the requirements of the Labrador Inuit Constitution supplemented by the *Municipalities Act* with all necessary changes in points of detail.

Part 10.5 Voters Rolls for Inuit Government Elections

Each Inuit Community to have 2 Voters Rolls

10.5.1

Each Inuit Community Government must have 2 voters rolls.

Every Voter to be Enrolled

10.5.2

Every person of the full age of 16 years who is competent to vote and is ordinarily resident in an Inuit Community shall be enrolled as follows:

- (a) Inuit and Residents and their Descendants, as defined under the Labrador Inuit Land Claims Agreement, shall be enrolled on one voters roll for the Community called the Inuit voters roll; and
- (b) New Residents, as defined under the Labrador Inuit Land Claims Agreement, shall be enrolled on a second voters roll for the Community called the New Residents voters roll.

Voters for AngajukKâk

10.5.3

Every person enrolled on a voters roll for an Inuit Community may vote for the AngajukKâk for that Community.

Voters for Inuit Councillors

10.5.4

Every person enrolled on the Inuit voters roll for an Inuit Community may vote in an election for Inuit Community Councillors to represent Inuit and Residents and their Descendants in the Inuit Community Council for that Community.

Voters for Councillors to Represent New Residents

10.5.5

Every person enrolled on the New Residents voters roll for an Inuit Community may vote in an election for Inuit Community Councillors to represent new Residents in the Inuit Community Council for that Community.

Residents may Choose Voters Roll

10.5.6

Residents and their Descendants may choose to be enrolled on the new Residents voters roll or to transfer from the Inuit voters roll to the new Residents voters roll.

Choice is Irrevocable

10.5.7

A choice under section 10.5.6 is irrevocable but the choice made by a Resident does not bind the Descendants of that Resident.

Person Omitted from a Voters Roll

10.5.8

If a person presents him or herself at a polling booth for the purpose of voting in an Inuit Community Government election and his or her name is not on a voters roll for the Community, that person is entitled to be entered on the appropriate roll if:

- (a) he or she is eligible to be enrolled on that roll; and
- (b) he or she takes the oath or affirmation prescribed under Inuit law.

Each Voter to receive 2 of 3 Ballots

10.5.9

Unless a vacant office or all vacant offices have been filled by acclamation, in which event no ballot shall be held with respect to the office or offices so filled, each voter shall receive and may cast a ballot for the election of the AngajukKâk and either:

- (a) a ballot for candidates to represent Inuit and Residents and their Descendants on the Inuit Community Council if the voter is enrolled on the Inuit voters roll; or
- (b) a ballot for candidates to represent New Residents on the Inuit Community Council if the voter is enrolled on the New Residents voters roll.

Election of Special Inuit Councillors

10.5.10

The Nunatsiavut Government may, from time to time and despite Part 10.4, provide for the election of special Inuit Councillors to an Inuit Community Council in terms of Inuit law and:

- (a) only Labrador Inuit of the full age of 16 years who are ordinarily resident in the Inuit Community may vote in an election for a special Inuit Councillor on the Inuit Community Council;
- (b) only persons eligible and qualified to be candidates in an election for AngajukKâk are eligible to hold office as special Inuit Councillors; and
- (c) Labrador Inuit voters shall receive an additional ballot to those referred to in section 10.5.9 for purposes of electing special Inuit Councillors for the Inuit Community in which they reside.

Part 10.6 Transaction of Inuit Business by Inuit Community Governments

Management and Control of Labrador Inuit Lands

10.6.1

If the Nunatsiavut Government has assigned management and control of Labrador Inuit Lands outside the boundaries of an Inuit Community to an Inuit Community Government, only those members of the Inuit Community Council who are Labrador Inuit are eligible to participate in decisions of the Inuit Community Council respecting management and control of the Labrador Inuit Lands.

Assignment of Other Responsibilities by Nunatsiavut Assembly to Inuit Community Governments

10.6.2

If the Nunatsiavut Government assigns functions other than those referred to in section 10.6.1 to an Inuit Community Government, the assignment must specify the Councillors who may participate in decisions by the Inuit Community Council with respect to the function.

Voting by Special Inuit Councillors

10.6.4

A Special Inuit Councillor elected to an Inuit Community Council under section 10.5.10 may only vote with respect to a matter referred to in section 17.41.7 of the Labrador Inuit Land Claims Agreement.

Part 10.7 Vacancies in Inuit Community Councils

AngajukKâk and Councillors to be Resident in Community

10.7.1

During their respective terms of office, the AngajukKâk and every Inuit Community Councillor must ordinarily reside in the Inuit Community governed by the Inuit Community Council of which he or she is a member and a person ceases to be AngajukKâk or a community Councillor if they cease to ordinarily reside in the Inuit Community.

Deputy AngajukKâk

10.7.2

Each Inuit Community Council must elect one of its members who is eligible to be AngajukKâk, other than the AngajukKâk, to be deputy AngajukKâk:

- (a) at its first sitting after a regular election; and
- (b) thereafter if the position of deputy AngajukKâk becomes vacant.

Deputy AngajukKâk to Act as AngajukKâk

10.7.3

When a vacancy occurs in the position of AngajukKâk of an Inuit Community, the deputy AngajukKâk must act as AngajukKâk until a person is elected to the position of AngajukKâk in accordance with the Labrador Inuit Constitution and applicable Inuit law.

When Vacancies Occur

10.7.4

A vacancy occurs in an Inuit Community Government if a person who is AngajukKâk or Councillor of the Inuit Community Government:

- (a) dies;

- (b) is removed from office in accordance with Inuit law or the Constitution of the Inuit Community;
- (d) ceases to be AngajukKâk or an Inuit Community Councillor because they cease to be ordinarily resident in the Inuit Community; or
- (d) resigns.

By-elections to Fill Vacancies

10.7.5

A vacancy under section 10.7.4 shall be filled in a by-election to be held no later than 60 days after the date on which the vacancy first occurs.

Arrangements when there are Too Many Vacancies

10.7.6

If, at any time, due to vacancies, an Inuit Community Government cannot satisfy the quorum rule for meetings then, despite other provisions of the Labrador Inuit Constitution or Inuit law the remaining members of the Inuit Community Council:

- (a) must call a by-election to fill the vacancies at the earliest practicable time;
- (b) if the offices of AngajukKâk and Deputy AngajukKâk are both vacant, must appoint a remaining member of the Inuit Community Council to act as AngajukKâk until the election is held; and
- (c) may enact interim bylaws to remain in force until 30 days after the Inuit Community Government has been restored to its full strength.

Arrangements where there is a Failure in Inuit Community Government

10.7.7

If, at any time, there are no members of an Inuit Community Council, the Nunatsiavut Executive Council must determine the steps to be taken to restore the Inuit Community Government and to secure the well being and proper management and administration of the Inuit Community in the interim.

Part 10.8 Inuit Community Government Finances

Financial Year

10.8.1

The financial year of an Inuit Community Government is from January 1 to the following December 31.

Budget

10.8.2

An Inuit Community Council must, not later than September 30 in each year, prepare a budget containing estimates of the revenues and expenditures of the Council for the next financial year

which shall include a statement showing all service charge rates and tax rates that will be imposed during the year.

Budget to be Approved by Nunatsiavut Executive Council

10.8.3

The budget must be forwarded to the Nunatsiavut Executive Council no later than October 31 in each year for approval .

Balanced Budget

10.8.4

Estimated expenditures of an Inuit Community Government for a fiscal year and the accumulated net surplus for the previous fiscal year must not be more than estimated revenue for that year. In this section (1) “expenditure” includes the cost of acquiring capital assets and amortization costs, the cost of goods and services acquired in the fiscal year whether or not payment has been made or invoices received, and transfer payments due where no value is received directly in return; and (2) “accumulated net surplus” means the amount by which the revenue for the previous fiscal year exceeded the sum of the expenditures for the previous three fiscal years.

Expenditures to be Within Budget

10.8.5

Unless otherwise authorized by the Nunatsiavut Government under section 8.5.2 or 8.5.3, an Inuit Community Council may not spend or become in any way liable for spending in excess of the estimated expenditure set out in an approved budget.

Financial Records

10.8.6

An Inuit Community Council must ensure that complete books of account of the financial dealings of the Council are kept in accordance with generally accepted accounting principles.

Bank Account

10.8.7

Each Inuit Community Council must open a bank account and deposit to the credit of the Inuit Community Government all money received by it and:

- (a) all payments made by or for an Inuit Community Council shall be drawn on the Council’s bank account; and
- (b) all cheques or orders withdrawing money from the bank shall be signed by 2 officials of the Inuit Community Government at least one of whom shall be the AngajukKâk or other Councillor designated by the Council.

Preparation of Financial Statements

10.8.8 Each Inuit Community Council must adopt, within 4 months of the end of each financial year, a financial statement showing a full and detailed balance sheet and a statement of the revenues and expenditures of the Council.

Audit of Financial Statements

10.8.9

The financial statements of an Inuit Community Council must be audited by the Auditor for Nunatsiavut who shall examine and report on the annual financial statement of the Council and its books of account with particular attention to:

- (a) any expenditure in excess of the budget of the Council;
- (b) the position with regard to arrears and revenues;
- (c) the manner in which the accounts are being kept;
- (d) the adequacy of safeguards against fraud; and
- (e) any other matters that the Auditor considers of sufficient interest or importance to mention.

Publication of Financial Statements and Audit

10.8.10

The financial statements of an Inuit Community Council and the Auditor's report must be signed by the AngajukKâk and one other Councillor designated for that purpose by the Council and must be published by the Council.

Copy of Financial Statements to Nunatsiavut Executive

10.8.11

A copy of the financial statements of an Inuit Community Council and the Auditor's report must be forwarded to the Nunatsiavut Executive Council.

Powers of Expenditure of Inuit Community Councils

10.8.12

An Inuit Community Council may pay, out of the funds at its disposal, salaries to Councillors, officers, auditors and employees of the Council and all the other expenditures incurred in the performance of its functions, powers and duties if there has been a provision for such an expenditure in the approved budget of the Council.

Part 10.9 Inuit Community Government Taxes

Imposition of Taxes

10.9.1

All taxes that may be imposed by an Inuit Community Council may only be imposed by a resolution of the Council.

Duration of Tax

10.9.2

A tax imposed by an Inuit Community Council remains in effect until replaced, varied or cancelled by a resolution of the Council.

Taxes to be Established pursuant to Bylaw

10.9.3

Every tax established by an Inuit Community Council and all matters related to taxation by Inuit Community Councils, may only be established pursuant to a bylaw or bylaws made in accordance with part 10.3.

Taxation Powers of Inuit Community Governments

10.9.5

The taxation powers of an Inuit Community Council are as set out under the Labrador Inuit Land Claims Agreement and as may be established pursuant to any relevant agreement subsidiary to the Labrador Inuit Land Claims Agreement.

Part 10.10 Executive Authority

Executive Authority Vested in AngajukKâk

10.10.1

The AngajukKâk of an Inuit Community is the chief executive officer of the Inuit Community Government.

Executive Decisions

10.10.2

A decision by the AngajukKâk must be in writing if it:

- (a) is taken in terms of an Inuit law or an Inuit Community bylaw; or
- (b) is intended to have legal consequences.

Hiring of Staff

10.10.3

The AngajukKâk, with the consent of the Inuit Community Council, may appoint persons to be members of the staff of the Inuit Community Government.

Eligibility to Hold Office as an Employee of Inuit Community Government

10.10.4

No member of a legislative body, including an Inuit Community Council or the Nunatsiavut Assembly is eligible to be a member of the staff of an Inuit Community Government.

Payment of Staff of Inuit Community Governments

10.10.5

Any salary or allowance payable to or in respect of a member of the staff of an Inuit Community Government shall be paid out of the Inuit Community Government's revenues in accordance with the budget.

Part 10.11 Laws respecting Inuit Community Governments

Nunatsiavut Assembly may make Laws with respect to Inuit Community Governments

10.11.1

Any matter concerning Inuit Community Governments not dealt with in the Labrador Inuit Constitution may be prescribed by Inuit law.

Residual Authority of Inuit Community Governments

10.11.2

Any matter concerning local government not dealt with in the Labrador Inuit Land Claims Agreement, the Labrador Inuit Constitution or an Inuit law may be prescribed by a bylaw enacted by the Inuit Community Government within the framework of the Labrador Inuit Constitution.

CHAPTER 11

INUIT COMMUNITY CORPORATIONS

Part 11.1 Functions and Formation of Inuit Community Corporations

Establishment of Inuit Community Corporations

11.1.1

Inuit Community Corporations shall be established in urban areas of Canada outside Nunatsiavut where the numbers of Labrador Inuit ordinarily residing in an urban area so warrant, and if 10% or more of all Labrador Inuit reside in a single urban area outside Nunatsiavut, the Nunatsiavut Assembly must establish an Inuit Community Corporation for the Labrador Inuit of that urban area.

Purpose and Function of Inuit Community Corporations

11.1.2

The purpose and function of an Inuit Community Corporation is to:

- (a) provide liaison and contact between the Nunatsiavut Government and Labrador Inuit ordinarily residing in the urban area for which the Inuit Community Corporation has been established;
- (b) inform the Nunatsiavut Government about views of Labrador Inuit ordinarily residing in the urban area for which the Inuit Community Corporation has been established; and
- (c) provide a vehicle through which Nunatsiavut Government programs and services for Labrador Inuit living outside Nunatsiavut may be delivered to Labrador Inuit ordinarily residing in the urban area for which the Inuit Community Corporation has been established.

Procedure for Establishment of Inuit Community Corporations

11.1.3

Labrador Inuit ordinarily residing in an urban area may form themselves into an Inuit Community Corporation by:

- (a) establishing their own constitution which must be approved by the Nunatsiavut Assembly; and
- (c) incorporating the Inuit Community Corporation as a not-for-profit corporation under federal or provincial law after the constitution of the Inuit Community Corporation has been approved by the Nunatsiavut Assembly.

Content of Constitutions of Inuit Community Corporations

11.1.4

The constitution of an Inuit Community Corporation must be in substantial conformity with the provisions of part 11.3, with all necessary changes in points of detail, and be made in terms of Inuit law.

When Establishment of Inuit Community Corporation must be Approved by Nunatsiavut Assembly

11.1.5

The Nunatsiavut Assembly must approve the constitution of an Inuit Community Corporation under subsection 11.1.3(a) if the number of Labrador Inuit ordinarily residing in the urban area exceeds 199 and the constitution meets the requirements of section 11.1.4.

Boundaries

11.1.6

The Nunatsiavut Assembly has the exclusive authority to determine the boundaries of an urban area for all purposes associated with an Inuit Community Corporation.

Restriction on Activities of Inuit Community Corporations

11.1.7

An Inuit Community Corporation shall not:

- (a) extend membership in the corporation or provide programs and services to individuals who are not Labrador Inuit or to entities that are not controlled by Labrador Inuit; and
- (b) extend its activities beyond the boundaries approved by the Nunatsiavut Assembly. Nothing in this section prevents an Inuit Community Corporation from acquiring goods and services outside the boundaries approved by the Nunatsiavut Assembly for use or consumption in connection with the programs, services or other activities that it carries out within those boundaries.

Change to Constitution of Inuit Community Corporation

11.1.8

The constitution of an Inuit Community Corporation may be amended by approval of a motion by a 2/3 majority of votes cast at a general meeting of the Inuit Community Corporation, provided that at least 2 weeks notice is given for such a motion.

Nunatsiavut Assembly to Approve Amendments to Constitutions of Inuit Community Corporations

11.1.9

The Nunatsiavut Assembly must approve a decision of the membership of an Inuit Community Corporation to amend its constitution or to dissolve the Inuit Community Corporation before the decision comes into effect.

Power of Nunatsiavut Assembly to Revoke Constitution and Representation of an Inuit Community Corporation

11.1.10

The Nunatsiavut Assembly may, by a resolution approved by at least 60% of its members, revoke or suspend the constitution of an Inuit Community Corporation and revoke, vary or suspend the representation of an Inuit Community Corporation in the Nunatsiavut Assembly provided for under subsection 4.1.2(c) and Part 11.2 for any cause which the Nunatsiavut Assembly, in its sole discretion, considers appropriate including the refusal or failure of an Inuit Community Corporation to:

- (a) fulfill an obligation in terms of Inuit law, the Labrador Inuit Constitution or the Labrador Inuit Land Claims Agreement;
- (b) conduct its business and affairs in a manner that is open to the Labrador Inuit of the urban area for which the Inuit Community Corporation is established or that is consistent with principles of democracy and the Labrador Inuit Constitution;
- (c) maintain proper financial records and to make them available to the members of the corporation and of the Nunatsiavut Assembly; or
- (d) elect an executive committee.

Part 11.2 Representation of Inuit Community Corporations in Nunatsiavut Assembly

Chair of Inuit Community Corporation is a Member of the Assembly

11.2.1

The Chair of an Inuit Community Corporation is a member of the Nunatsiavut Assembly.

Other Representatives to the Nunatsiavut Assembly

11.2.2

The Nunatsiavut Assembly may make laws establishing the number of additional representatives in the Nunatsiavut Assembly, if any, to which an Inuit Community Corporation may be entitled and the mode of electing the representatives.

Part 11.3 Inuit Community Corporation for Upper Lake Melville

Inuit Community Corporation Established

11.3.1

There shall be one Inuit Community Corporation for Labrador Inuit residing within the boundaries of the provincial municipalities of Happy Valley-Goose Bay, North West River and Mud Lake to be known as the Upper Lake Melville Inuit Community Corporation, but a separate Inuit Community Corporation may be established in the municipality of North West Rivet under part 11.4. For purposes of this part and part 11.4, Sheshatshiu is included within the municipal boundaries of North West River

Membership of Upper Lake Melville Inuit Community Corporation

11.3.2

Only Labrador Inuit ordinarily residing within the municipal boundaries of the municipalities of Happy Valley-Goose Bay, North West River and Mud Lake are the members of the Upper Lake Melville Inuit Community Corporation.

Not-for-Profit Corporation

11.3.3

The Upper Lake Melville Inuit Community Corporation shall be operated without purpose of pecuniary gain to any of the members and:

- (a) any surplus or accretions of the Corporation shall used solely for the purposes of the Corporation and for the promotion of its objects;
- (b) if, upon winding up or dissolution of the Corporation there remains, after satisfaction of all the Corporation's debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members of the Corporation but shall be distributed to any other organization in Canada, the undertaking of which is charitable or beneficial to Labrador Inuit.

Officers of the Corporation

11.3.4

There shall be 4 executive officers of the Corporation as follows:

- (a) Chair;
- (b) Vice-Chair;
- (c) secretary; and
- (d) treasurer.

11.3.5

The secretary shall perform the functions of a membership secretary or a separate office of membership secretary may be created and the offices of secretary and treasurer may be combined in one office.

Chair of the Corporation

11.3.6

The Chair is responsible for the overall supervision and administration of the affairs of the corporation and shall ensure that all policies and actions approved by the general membership or by the executive committee are properly implemented. The Chair presides at general meetings of the corporation, chairs meetings of the executive committee and represents the corporation and its members in the Nunatsiavut Assembly.

Vice-Chair

11.3.7

The Vice-Chair fulfills the duties of the Chair when that person is temporarily absent or otherwise unable to perform the duties of Chair. The Vice-Chair also performs specific duties assigned by the Chair, the executive committee or the membership.

Secretary

11.3.8

The secretary is responsible for general correspondence and for internal communication within the Corporation. The secretary issues notices and agendas and prepares, maintains, and distributes minutes of meetings of the general membership and of the executive committee. The secretary also maintains an up-to-date list of members and is responsible for the care and custody of the corporate seal.

Treasurer

11.3.9

The treasurer is responsible for the care and custody of funds and other financial assets of the corporation and for making payments for all approved expenses incurred by the corporation. The treasurer maintains books of account which shall be made available for inspection by members at any reasonable time on request. At each annual general meeting the treasurer shall present an audited account of the finances of the corporation and a budget for the following fiscal year.

Budget to be Approved by Nunatsiavut Executive Council

11.3.10

The annual budget of the Upper Lake Melville Inuit Community Corporation must be approved by the Nunatsiavut Executive Council.

Fiscal Year

11.3.11

The fiscal year of the Upper Lake Melville Inuit Community Corporation is the calendar year and the budget shall be submitted to the Nunatsiavut Executive Council for approval no later than September 30 in each year.

Executive Committee

11.3.12

The executive committee of the Upper Lake Melville Inuit Community Corporation shall be composed of the officers of the corporation who shall be elected at large.

Powers and Functions of Executive Committee

11.3.13

The executive committee shall have all the powers and functions of the board of directors of the Corporation and shall take the initiative in incorporating and maintaining the corporation and in preparing policies and actions for consideration and possible action by the general membership. The executive committee is also responsible for the implementation of all resolutions passed at general meetings of the membership and for management of the business and affairs of the Corporation between general meetings.

Responsibility of Executive Committee in relation to Nunatsiavut Government Programs

11.3.14

The executive committee must administer and implement programs and services of the Nunatsiavut Government that are assigned to the Upper Lake Melville Inuit Community Corporation for delivery to Labrador Inuit resident in the Upper Lake Melville urban area.

Meetings of Executive Committee

11.3.15

Meetings of the executive committee are called by the Chair who is also responsible for the preparation of the agenda. The executive committee shall also meet at the request of at least 2 of its members.

Quorum

11.3.16

A quorum of the executive committee shall be a majority of its members.

Powers and Functions of the Membership

11.3.17

The general membership shall retain all powers of the Upper Lake Melville Inuit Community Corporation except those conferred on the executive committee.

Notice of General Meetings

11.3.18

The Chair or the secretary may call an ordinary general meeting at any time by giving at least 14 days notice of the time and place of the meeting and by sending the agenda to the members, or publishing it, at least 7 days before the scheduled date of the meeting.

Annual General Meeting

11.3.19

There shall be at least one meeting in each year, to be known as the annual general meeting, which shall be held in the month of September each year.

Special General Meetings

11.3.20

The executive committee may call a special general meeting by giving at least 7 days notice of the time and place of the meeting and of the specific items to be considered. No additional items may be added to the agenda for a special general meeting.

Special General Meetings called by Membership

11.3.21

The secretary shall call a special general meeting within 14 days of receiving a written petition signed by at least 25% of the members and stating the purpose of the meeting.

Quorum for General Meetings

11.3.22

A quorum for all general meetings shall be twice the number of the executive committee plus 1 and a quorum for a special general meeting shall be 25% of the members.

Elections to be Governed by Inuit Law

11.3.23

The Nunatsiavut Assembly may, from time to time, enact laws governing the elections of members of the executive committee of the Upper Lake Melville Inuit Community Corporation.

Election Procedures where there is No Inuit Law

11.3.24

In the absence of Inuit law to the contrary the election of the executive committee of the Upper Lake Melville Inuit Community Corporation shall take place by secret ballot at the annual general meeting of the Corporation.

Eligibility for Office

11.3.25

Only members of the corporation who are of the full age of majority and of sound mind are eligible to serve as executive officers of the corporation.

Eligibility to Vote

11.3.26

Only members of the corporation who are of the full age of 16 years and of sound mind are eligible to vote in an election of members of the executive committee.

Balanced Budgets

11.3.27

All budgets of the Upper Lake Melville Inuit Community Corporation shall be balanced.

Borrowing

11.3.28

The Upper Lake Melville Inuit Community Corporation may not incur debts by borrowing money unless:

- (a) prior approval for the borrowing has been obtained by passage of a motion by a 2/3 majority of votes cast at a general meeting if notice of the motion is included in the agenda circulated for the meeting; and
- (b) the borrowing has been approved by the Nunatsiavut Executive Council.

Audited Financial Statements

11.3.29

The financial records of the Upper Lake Melville Inuit Community Corporation must be audited by the Auditor for Nunatsiavut.

Payment of Officers

11.3.30

No officer may receive any payment for duties performed on behalf of the Corporation unless prior approval for the payment has been obtained by passage of a motion by a 2/3 majority of votes cast at a general meeting, if notice of the motion is included in the agenda circulated for the meeting.

Reimbursement of Expenses

11.3.31

Despite section 11.3.30, officers may be reimbursed for reasonable expenses incurred while performing duties on behalf of the Corporation.

Part 11.4 Establishment of Separate Community Corporations for North West River

11.4.1

Labrador Inuit ordinarily residing in North West River may form themselves into an Inuit Community Corporation separate from the Upper Lake Melville Inuit Community Corporation if at least 199 Labrador Inuit eligible to vote in an election for the President of Nunatsiavut who reside within the municipal boundaries of North West River sign and deliver a petition to the President of Nunatsiavut requesting establishment of a separate Inuit Community Corporation for North West River.

11.4.2

A petition under section 11.4.1 must contain the name, address and signature of each Labrador Inuk who signs the petition and the proposed constitution for the Inuit Community Corporation.

11.4.3

The Nunatsiavut Assembly:

- (a) must approve the Constitution referred to in section 11.4.2 if it meets the requirements of section 11.1.4; and
- (b) must provide for an equitable division between the Lake Melville Community Corporation and the new Inuit Community Corporation of the property, assets, liabilities and obligations of the Lake Melville Inuit Community Corporation.

11.4.4

The provisions of part 11.1, except section 11.1.5, apply to the formation and functions of an Inuit Community Corporation established under this part.

11.4.5

On the date of incorporation of an Inuit Community Corporation for North West River:

- (a) the members of the Upper Lake Melville Community Corporation who are ordinarily resident in North West River shall no longer be members of the Upper Lake Melville Community Corporation and shall be disqualified from serving as officers of the Lake Melville Inuit Community Corporation;
- (b) the Upper Lake Melville Inuit Community Corporation shall no longer be responsible for Labrador Inuit resident in the municipality of North West River or for the administration or implementation of programs and services of the Nunatsiavut Government in North West River; and
- (c) the Upper Lake Melville Inuit Community Corporation shall comply with the requirements of the Nunatsiavut Assembly established under subsection 11.4.3 (b)

Part 11.5 Supervisory and Residual Powers with respect to Inuit Community Corporations Supervision of Inuit Community Corporations

11.5.1

The Nunatsiavut Assembly may enact laws to provide for the establishment and dissolution of Inuit Community Corporations; the structure of Inuit Community Corporations; the constitutions of Inuit Community Corporations including elections; and the administration, management and powers and functions of Inuit Community Corporations. Any Inuit law enacted in terms of this section must meet at least the minimum requirements of this chapter.

Residual Powers respecting Inuit Community Corporations

11.5.2

Any matter concerning Inuit Community Corporations not dealt with in the Labrador Inuit Constitution may be prescribed by Inuit law.

Bylaws of Inuit Community Corporations

11.5.3

An Inuit Community Corporation may make bylaws within the framework of the Labrador Inuit Constitution and applicable Inuit laws for:

- (a) the exercise of its powers and the performance of its functions;

- (b) the employment of personnel that are necessary for the effective performance of its functions;
- (c) its internal arrangements;
- (d) its business proceedings; and
- (e) the establishment, composition, procedures, powers and functions of its committees.

Publication and Registration of Bylaws of Inuit Community Corporations

11.5.4

A bylaw of an Inuit Community Corporation may be enforced only after it has been published and all bylaws of Inuit Community Corporations shall:

- (a) be accessible to the Labrador Inuit public; and
- (b) be registered with the President of Nunatsiavut and the Inuit Court.

CHAPTER 12

RELATIONSHIPS AMONG GOVERNMENTS

Part 12.1 Intergovernmental Functions of Nunatsiavut Assembly

Representation of Inuit Community Government and Inuit Community Corporations

12.1.1

The AngajukKâk and Chairs of the Inuit Community Corporations represent the Inuit Community Governments and Inuit Community Corporations, respectively, to ensure that the interests of Inuit Community Governments and Inuit Community Corporations are taken into account in the central sphere of Labrador Inuit government by participating in the legislative process of the Nunatsiavut Assembly and by using the Nunatsiavut Assembly as a forum for consideration of issues affecting the Inuit Communities and the Labrador Inuit living in urban areas represented by Inuit Community Corporations.

President to Represent Nunatsiavut in relations with Federal and Provincial Governments

12.1.2

The President of Nunatsiavut acting on the advice of the Nunatsiavut Executive Council, represents Labrador Inuit, Nunatsiavut, the Nunatsiavut Government, the Inuit Community Governments and Inuit Community Corporations in dealings with federal, provincial, territorial and aboriginal governments in Canada.

Nunatsiavut Government has Primary Authority to enter Agreements with Other Governments

12.1.3

The Nunatsiavut Executive Council has the primary authority to make agreements with the federal, provincial, territorial and other aboriginal governments in Canada on behalf of the Labrador Inuit and all institutions of Labrador Inuit government.

Inuit Community Governments and Inuit Community Corporations may make Agreements

12.1.4

Despite section 12.1.3, Inuit Community Governments and Inuit Community Corporations may, with the consent of the Nunatsiavut Executive Council, enter into agreements with other governments in Canada.

Part 12.2 Harmonization of Governmental Powers and Intergovernmental Cooperation in Nunatsiavut

Nunatsiavut Assembly may Harmonize Governmental Powers

12.2.1

Despite any other provision of the Labrador Inuit Constitution but subject to the Labrador Inuit Land Claims Agreement, the Nunatsiavut Assembly may make laws or take any other action which it considers necessary or desirable for purposes of harmonizing Inuit laws and bylaws of the Inuit Community Governments and Inuit Community Corporations and for:

- (a) establishing and maintaining essential standards for the delivery of programs or services;
- (b) maintaining the economic well being and unity of Labrador Inuit and the Inuit Communities;
- (c) preventing an Inuit Community or Inuit Community Corporation from taking unreasonable action that is prejudicial to the interests of another Inuit Community or Inuit Community Corporation or the Labrador Inuit or Nunatsiavut as a whole; and
- (d) establishing uniform measures, including generally recognized accounting functions, uniform expenditure classifications and uniform treasury standards, to ensure both transparency and expenditure control in each sphere of Inuit government.

Cooperative Government

12.2.2

The Nunatsiavut Government, the Inuit Community governments and the Inuit Community Corporations, within their respective spheres, must cooperate with one another in mutual trust and good faith by:

- (a) fostering good relations;
- (b) assisting and supporting one another;
- (c) consulting one another on matters of common interest;
- (d) coordinating and harmonizing their laws and actions;
- (e) complying with agreed procedures; and

- (f) avoiding legal proceedings against one another.

Disputes among Inuit Governments Should be Resolved Informally

12.2.3

Disputes between or among the Nunatsiavut Government, Inuit Community Governments and Inuit Community Corporations should be resolved by informal discussion and without necessity of invoking formal means of dispute resolution.

Referral of Inuit Intergovernmental Disputes to Nunatsiavut Assembly

12.2.4

Where the parties to a dispute referred to in section 12.2.3 cannot resolve the dispute amongst themselves by informal means, the matter in dispute may be discussed in the Nunatsiavut Assembly and the Nunatsiavut Assembly may, by majority resolution, refer the matter to any other means of dispute resolution which it considers necessary or appropriate.

Court as a Last Resort for Intergovernmental Disputes

12.2.5

Parties to an intergovernmental dispute must make every reasonable effort to resolve the dispute by means other than litigation before approaching the Inuit Court to resolve the dispute. If the Inuit Court is not satisfied that the requirements of this section have been met it may refer the dispute back to the parties involved.

Nunatsiavut Executive Council may Convene Intergovernmental Meetings

12.2.6

The Nunatsiavut Executive Council may, from time to time:

- (a) convene meetings between the Nunatsiavut Executive Council and the chief executive officers of the Inuit Communities or the Inuit Community Corporations or both; and
- (b) convene intergovernmental meetings with representatives of the federal government, provincial government, the Inuit Governments, other Aboriginal governments or municipal governments and may invite representatives of institutions of Labrador Inuit government to participate in such meetings.

CHAPTER 13

MISCELLANEOUS AND GENERAL

Part 13.1 Interpretation of Inuit Laws and Bylaws of Inuit Community Governments

Narrow Construction to Preserve Competence

13.1.1

If any provision of an Inuit law or a bylaw of an Inuit Community Government may be read in such a way as to be outside the competence of the Nunatsiavut Government or the Inuit

Community Government, as the case may be, the provision is to be read as narrowly as is required for it to be within competence, if such a reading is possible, and the law is to have effect accordingly.

Conflict of Inuit Laws and Bylaws of Inuit Community Governments

13.1.2

If the Nunatsiavut Government has made an Inuit law and an Inuit Community Government has made a bylaw within their respective authorities;

- (a) both laws are equally operative to the extent that they do not conflict with each other; and
- (b) if those laws conflict, subject to the Labrador Inuit Land Claims Agreement, the Inuit law will prevail to the extent of the conflict and, at the first practicable opportunity, the Nunatsiavut Assembly will review the Inuit law in light of the conflict.

Conflict of Laws

13.1.3

For purposes of the Labrador Inuit Constitution there is a conflict between laws if compliance with one law would be a breach of the other law.

Part 13.2 Interpretation

Use of the Words “Including” and “Includes”

13.2.1

Unless it is otherwise clear from the context, the use of the word “including” means “including, but not limited to”, and the use of the word “includes” means “includes, but is not limited to”.

References to Sections, Parts and Chapters

13.2.2

Unless it is otherwise clear from the context, a reference to a “subsection”, “section”, “part” or “chapter” means a subsection, section, part or chapter, respectively, of the Labrador Inuit Constitution.

Use of Subheadings

13.2.3

Subheadings are for convenience only, do not form a part of the Labrador Inuit Constitution, and in no way define, limit, alter or enlarge the scope or meaning of any provision of the Labrador Inuit Constitution.

Singular includes Plural

13.2.4

Unless it is otherwise clear from the context, the use of the singular includes the plural and the use of the plural includes the singular.

Conflict between Versions of Constitution

13.2.5

If there is an inconsistency between different texts of the Labrador Inuit Constitution, the English text prevails to the extent of the inconsistency.

Ordinary Language and Context

13.2.6

Terms used in the Labrador Inuit Constitution are intended to have their ordinary and usual meaning and if there is any doubt about the meaning of a term used in the Labrador Inuit Constitution, its meaning shall be determined within the context of the Labrador Inuit Constitution as a whole and with reference to the Labrador Inuit Land Claims Agreement.

Meaning of Terms

13.2.7

In the Labrador Inuit Constitution;

- (a) “Labrador Inuit ” has the same meaning as “ Inuit “ in the Labrador Inuit Land Claims Agreement; and
- (b) “Labrador Inuk “ has the same meaning as “ Inuk “ in the Labrador Inuit Land Claims Agreement.

SCHEDULE 1-A

All the provisions of the preamble.

All provisions of Chapter 1, including the Schedules.

All provisions of Chapter 2.

Parts 3.1, 3.2, 3.3, 3.4, 3.5 and 3.6 of Chapter 3.

All provisions of Chapter 4 except sections 4.1.2, 4.2.1 and 4.18.12.

All provisions of Chapter 5 except the provisions contained in Parts 5.8 and 5.9.

All provisions of Chapter 6 except sections 6.1.2, 6.3.3, 6.3.4, 6.3.5 and 6.4.5.

All provisions of Part 7.1 and sections 7.4.1, 7.4.2 and 7.4.3 of Chapter 7.

All provisions of Part 8.1, Part 8.2 except sections 8.2.5 and 8.2.6, all provisions of Part 8.3, section 8.11.1 and all provisions of Parts 8.12 and 8.14 of Chapter 8.

All provisions of Part 9.1 except sections 9.1.7 and 9.1.8, all provisions of Part 9.2 except sections 9.2.14 and 9.2.17 and all provisions of Part 9.5 of Chapter 9.

Sections 11.1.1, 11.1.2, 11.1.7, 11.1.10, 11.2.1, 11.3.1, 11.3.2 and 11.3.3 of Chapter 11.

All provisions of Part 12.1 of Chapter 12.

SCHEDULE 1-B

All provisions of Part 3.7 of Chapter 3.

Sections 4.1.2, 4.2.1 and 4.18.12.

All provisions of Parts 5.8 and 5.9 of Chapter 5.

Sections 6.1.2, 6.3.3, 6.3.4, 6.3.5 and 6.4.5 of Chapter 6.

All provisions of Parts 7.2 and 7.3 and sections 7.4.4 and 7.4.5 of Chapter 7.

Sections 8.2.5 and 8.2.6, all provisions of Parts 8.4, 8.5, 8.6, 8.8, 8.9 and 8.10, sections 8.11.2 and 8.11.3 and all provisions of Part 8.13 of Chapter 8.

Sections 9.1.7, 9.1.8, 9.2.14, 9.2.17 and Parts 9.3 and 9.4 of Chapter 9.

All provisions of Chapter 10.

All provisions of Chapter 11 except sections 11.1.1, 11.1.2, 11.1.7, 11.1.10, 11.2.1, 11.3.1, 11.3.2 and 11.3.3.

All provisions of Part 12.2 of Chapter 12

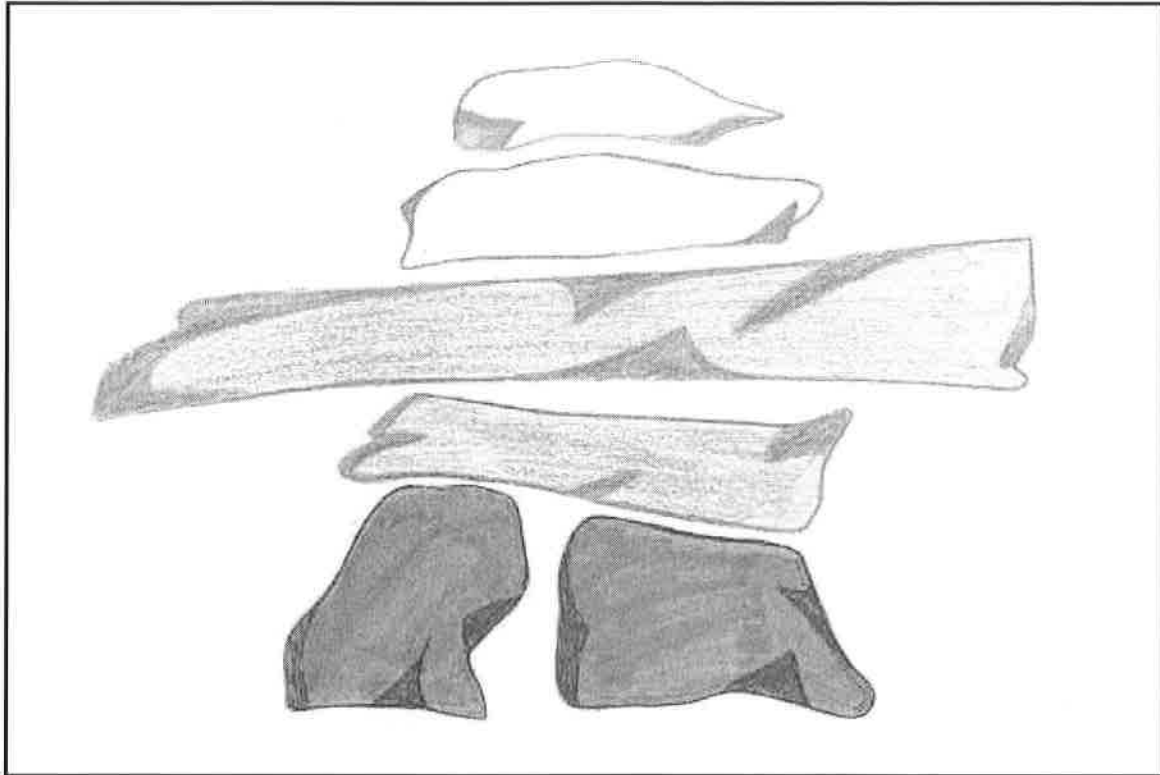
Chapter 13

Chapter 14

Schedule 14-A.

SCHEDULE 1-C

THE FLAG OF NUNATSIAVUT



SCHEDULE 1-D

THE ANTHEM OF NUNATSIAVUT

Labradorimiut

**To be a part of this great land,
Should be the pride of any man,
To know that we were born on these great shores,
So listen while I tell,
And it makes my old heart swell,
I'm proud to be a son of Labrador.**

Chorus:

**Its rugged mountains rise above the oceans,
Where polar bears and seals are to be found,
Its sparkling rivers flow through mountain valleys,
Where the caribou and wolf and fox abound.**

**I love to hear the call,
Of the geese in the early fall,
And see the black bear roaming by the shore,
And hunt the arctic hare,
Or fish the arctic char,
There's no place on this earth like Labrador.**

Chorus:

**There's not much more to say,
But I know we're here to stay,
To live and hunt and trap on this great land,
But most of all to me,
Is to have the liberty,
To be a son of Northern Labrador.**

Chorus: