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Whereas, pursuant to section 14.1.1 of the Labrador Inuit Constitution, Schedule 14-A of the Labrador Inuit Constitution governs the transition to the new constitutional order established by the Labrador Inuit Constitution despite any inconsistency between that Schedule and any other provision of the Labrador Inuit Constitution; and

Whereas a large amount of business must be transacted by the Nunatsiavut Government on the Effective Date, immediately following the Effective Date and during a transitional period leading to the full establishment and operation of the Nunatsiavut Government under the Constitution; and

Whereas a large amount of business must be transacted by the Nunatsiavut Government on the Effective Date and immediately following the Effective Date for purposes of implementing the Labrador Inuit Land Claims Agreement; and

Whereas it is expedient to confer on the Executive Council, during a transitional period, certain powers that would normally be exercised by the Nunatsiavut Assembly;

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

Short title

1. This Act may be cited as the *Nunatsiavut Government Transitional Powers Act*.

Definitions

2. In this Act:

“Assembly” means the Nunatsiavut Transitional Assembly as constituted under the *Nunatsiavut Transitional Assembly Act* and the Nunatsiavut Assembly as constituted under the *Nunatsiavut Assembly Act*;

“Constitution” means the Labrador Inuit Constitution;

“Effective Date” means the date on which the Labrador Inuit Land Claims Agreement and the Constitution come into effect;

“Executive Council” means the Transitional Nunatsiavut Executive Council as constituted under the *Nunatsiavut Transitional Assembly Act* and the Nunatsiavut Executive Council as constituted under the *Nunatsiavut Government Organization Act*;

“President” means the President of Nunatsiavut;

“President-in-Council” means the President of Nunatsiavut acting on the advice of the Executive Council pursuant to section 5.2.2 of the Constitution;

“Subordinate Legislation” means a regulation, proclamation, rule, order, bylaw or instrument that is of a legislative nature enacted by the President-in-Council pursuant to section 4.

Purpose of this Act

3. The purpose of this Act is to grant temporary, extraordinary, powers to the Executive Council to enact subordinate legislation and to take action in relation to a number of matters that would normally be the subject of Inuit Laws so as facilitate effective and efficient administration of the business and affairs of the Nunatsiavut Government and the Inuit and the effective and efficient implementation of the Labrador Inuit Land Claims Agreement until such time as the Nunatsiavut Assembly is fully operational in terms of the Constitution.

Transitional Powers Conferred on the Executive Council

4. When the Assembly is not in session and it is impractical to convene a sitting of the Assembly:
 - (1) the President may, by resolution of the Executive Council, declare that an obligation of the Nunatsiavut Government or the Inuit under the Labrador Inuit Land Claims Agreement requires that an action be taken immediately; and
 - (2) where the President has issued a declaration under subsection (1) the President-in-Council may enact Subordinate Legislation that the Executive Council is not otherwise specifically authorized to make under the Constitution or an Inuit Law for purposes of authorizing any action that may be necessary in order to fulfill the obligation.

Subordinate Legislation under section 4 has the force of Inuit Law

5. Any actions taken on behalf of the Nunatsiavut Government or the Inuit by means of Subordinate Legislation enacted under section 4 have the force of Inuit Law and are binding on the Nunatsiavut Government or the Inuit, as the case may be, without further affirmation or ratification.

Subordinate Legislation may differentiate between parts of Nunatsiavut

6. The Executive Council may enact Subordinate Legislation that only applies to certain parts of Nunatsiavut and not to others or that indifferent in different parts of Nunatsiavut, either generally or during particular times.

Subordinate Legislation may create offences

7. The Executive Council may, by Subordinate Legislation, create offences, enact prohibitions and prescribe penalties for breaches of any of the provisions of the Subordinate Legislation or for breaches of any licence or permit issued under the Subordinate Legislation.

Executive Council may set tariffs or fees

8. The Executive Council may, by Subordinate Legislation, establish tariffs or fees that shall be paid to the Nunatsiavut Government for:
- (a) the issuing of, granting of, registration of, filing of, certification of or application for, licences, permits, documents, conveyances, grants, orders or other authorizations that may be issued, granted, registered, filed or certified by or with a minister, an officer of the government, a department or a government office;
 - (b) the searching of a register, file or document, kept by a minister, officer of the government, a department or government office and that is available for search by the public; or
 - (c) inspections that may be required in terms of an Inuit Law or Subordinate Legislation and carried out by an officer of the government.

Subordinate Legislation must be tabled in the Assembly

9. Any Subordinate Legislation must be tabled in the Assembly by the President, within three days of the start of its next sitting.

President to report on actions taken under section 4

10. The President must report any action taken pursuant to Subordinate Legislation to the Assembly at its first sitting after the action has been taken.

Transitional Effect of Act

11. This Act and all Subordinate Legislation expires on the first anniversary of the first sitting of the Nunatsiavut Assembly following the second general election of the Nunatsiavut Assembly unless the Act is repealed, renewed or extended by the Assembly before it expires.