

NUNATSIAVUT ASSEMBLY

AN ACT TO AMEND THE LABRADOR INUIT LANDS ACT, CIL L-1

Be it enacted by the President of Nunatsiavut and the Nunatsiavut Assembly as follows:

SHORT TITLE

1. This Inuit Law may be cited as the *Labrador Inuit Lands Amendment Act, 2019*.

AMENDMENTS TO LABRADOR INUIT LANDS ACT

2. **Section 1.2 of the *Labrador Inuit Lands Act* is amended by deleting the definition of “Instrument” and replacing it with the following:**

“Instrument” means:

- (a) a grant, certificate of title, conveyance, assurance, deed, lease, licence, permit, map, plan, will, probate or exemplification of will, letters of administration or an exemplification of letters of administration, or encumbrance;
- (b) a judgment or order of a court;
- (c) an agreement or authorization; or
- (d) any other document in writing

relating to or affecting the transfer of or dealing with or evidencing title to or an interest in Labrador Inuit Lands;

3. **Section 2.11 of the *Labrador Inuit Lands Act* is amended by adding the following subsection:**

- (3) Despite anything in sub-clause 2.11(1)(a)(i), clause 2.11(1)(c) or subsection 2.11(2) of this Act to the contrary, the Minister may permit a person to access Labrador Inuit Lands or a Parcel or piece of Labrador Inuit Lands for purposes of Harvesting in accordance with section 4.25 of this Act.

4. **Section 2.18 of the *Labrador Inuit Lands Act* is amended by deleting clause 2.18(a) and replacing it with the following:**


Jan 23 / 2019

- (a) receive and processes all applications for private interests in Labrador Inuit Lands other than applications for Instruments permitting entry on Labrador Inuit Lands for purposes of Harvesting;
5. **Section 2.19 of the *Labrador Inuit Lands Act* is amended by renumbering it as subsection (1) and adding the following subsection:**
- (2) Subsection 2.19(1) does not apply to applications for Instruments permitting entry on Labrador Inuit Lands for purposes of Harvesting under section 4.25 of this Act.
6. **Subsection 2.28(2) of the *Labrador Inuit Lands Act* is deleted and replaced with the following subsection:**
- (2) Subsection (1) does not apply to the issuance of Instruments permitting entry on Labrador Inuit Lands for purposes of Harvesting under section 4.25 of this Act.
7. **The chapeau of section 2.29 is amended by inserting the words “or an Instrument permitting entry on Labrador Inuit Lands for purposes of Harvesting” immediately before the colon.**
8. **Section 3.2 of the *Labrador Inuit Lands Act* is repealed and left blank.**
9. **Section 3.3 of the *Labrador Inuit Lands Act* is deleted and replaced with the following:**
- 3.3 The Executive Council, with the advice of the Minister, must enact regulations for the purpose of resolving any disputes that might arise in relation to traditional tenures or their extent or scope.
10. **Section 4.2 of the *Labrador Inuit Lands Act* is amended by renumbering it as subsection (1) and adding the following subsection:**
- (2) The tenure of a Non-Beneficiary referred to clause 4.1(b), 4.1(c), 4.1(d), 4.1(e) or 4.1(g), confers no right to Harvest Wildlife or Fish on Labrador Inuit Lands and no right, title, interest or privilege in relation to any Wildlife or Fish.
11. **Part 4 of the *Labrador Inuit Lands Act* is amended by adding the following new sections:**
- Entry by Non-Beneficiaries for purposes of Harvesting**
- 4.25 (1) The Nunatsiavut Government may by written Instrument permit a Non-Beneficiary to enter Labrador Inuit Lands or a Parcel or piece of Labrador Inuit Lands for the purposes of Harvesting and may, by

regulation or in terms of the Instrument, prescribe, restrict or prohibit Harvesting or Harvesting activities under the Instrument.

- (2) The Minister may make arrangements and agreements with owners or operators of recreational camps for the purpose of permitting their guests to enter Labrador Inuit Lands or a Parcel or piece of Labrador Inuit Lands for purposes of Harvesting subject to such terms and conditions as the Minister may prescribe.
- (3) The Minister may authorize a person, including a Non-Beneficiary or a legal entity, to enter Labrador Inuit Lands or a Parcel or piece of Labrador Inuit Lands by aircraft for purposes of Harvesting subject to such terms and conditions as the Minister may prescribe.

4.26 An Instrument issued under section 4.25 of this Act:

- (a) grants the person named therein permission to be on Labrador Inuit Land conditional upon compliance at all times with the terms and conditions of the Instrument;
- (b) creates no right, title or interest in land;
- (c) is personal and is not assignable or transferable;
- (d) must be produced for inspection by an employee, officer or agent of the Nunatsiavut Government by the person named in the Instrument on request,
- (e) is revocable by the Nunatsiavut Government at will and without notice;
- (f) shall in the case of a licence or permit be for a term not exceeding 1 year and in the case of any other Instrument a term not exceeding 5 years and shall not be renewed or extended;
- (g) may require the payment of a fee; and
- (h) may be issued subject to such additional terms and conditions as the Nunatsiavut Government may deem necessary or advisable or as may be established in regulations made under section 4.30 of this Act

4.27 The Minister may, without giving prior notice, revoke, suspend or vary the terms of any Instrument issued under section 4.25 of this Act and an official designated in regulations under section 4.30 of this Act to enforce permits, licences or other Instruments issued under section 4.25 may, without giving prior notice, revoke or suspend the permit or license of a permit holder who has breached this Act, a regulation under section 4.30 or the terms and conditions set out in the permit or licence.

- 4.28 Notice of revocation, suspension or variance of an Instrument under section 4.27 of this Act may be given verbally or in writing and may be delivered personally, by mail or by public notice.
- 4.29 The Nunatsiavut Government may refuse to issue an Instrument under section 4.25 of this Act to a person who the Minister or an enforcement officer has found to be in breach of this Act, a regulation made under this Act or a term or condition applicable to or established by an Instrument issued under section 4.25.
- 4.30 The Executive Council may, acting on the advice of the Minister, make regulations for the general purpose of implementing sections 4.25 to 4.29, inclusive, of this Act including, without limitation, regulations:
- (a) respecting Instruments that permit entry on Labrador Inuit Lands for purposes of Harvesting by Non-Beneficiaries under sections 4.25 and the Harvesting activities that may be carried out under those Instruments;
 - (b) prescribing the form and content of applications for Instruments referred to in section 4.25, the information required to be provided in connection with an application and the Nunatsiavut Government official or officials to whom an application must be made;
 - (c) prescribing the form and content of Instruments referred to in section 4.25 and designating the Nunatsiavut Government official or officials and their delegates who are authorized to issue them;
 - (d) establishing fees payable for Instruments under section 4.25 and providing for the waiver of fees in certain circumstances;
 - (e) providing for the termination or revocation of Instruments issued under section 4.25 and designating officials who may enforce, terminate or revoke them;
 - (f) establishing the terms and conditions applicable to Instruments under section 4.25 including without limitation terms and conditions respecting access, Harvesting, conservation, Environmental protection and permitted non-Harvesting activities;
 - (g) differentiating amongst different classes or categories of persons holding Instruments issued under section 4.25 including, without limitation, Non-Beneficiaries harvesting for or on behalf of dependent Beneficiaries, Non-Beneficiaries Harvesting at or from a Commercial Wildlife Operation or other recreational lodge, camp or facility, and Non-Beneficiaries who hold leases, life estates or permits under section 4.12 of this Act; and
 - (h) defining words and phrases used in section 4.25 of this Act and that may be necessary for implementation of section 4.25.

12. Section 11.3 of the *Labrador Inuit Lands Act* is deleted and replaced with the following:

11.3 It is a condition of every Instrument creating a private interest in Labrador Inuit Lands or granting a privilege, permission or licence under this Act, whether stipulated in the Instrument or not, that an enforcement officer may enter onto the lot of land and Parcel of Labrador Inuit Lands to which the Instrument applies for the purpose of determining whether the terms of the Instrument, the provisions of this Act and regulations under this Act are being complied with.

13. Clause (b) of subsection Section 11.5(1) of the *Labrador Inuit Lands Act* is deleted and replaced with the following:

(b) that a person is making a use of Labrador Inuit Lands or carrying out an activity in Labrador Inuit Lands that is not allowed under Inuit custom and tradition or that is not authorized or permitted by this Act, an Instrument issued under this Act, or the land use plan or that is otherwise contrary to law,

COMING INTO FORCE

14. This Act comes into force upon its registration under the *Nunatsiavut Laws Registration Act*.