

Labrador Inuit Land Claims Agreement Act

2005, c. 27

[Assented to June 23, 2005]

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

Preamble

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

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

WHEREAS the Inuit of Labrador claim aboriginal rights in and to the Labrador Inuit Land Claims Area, as defined in the Agreement, based on their traditional and current use and occupancy of the lands, waters and sea ice of the Labrador Inuit Land Claims Area in accordance with their own customs and traditions;

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

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

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

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

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

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

SHORT TITLE

Short title

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

INTERPRETATION

Definitions

2. The following definitions apply in this Act.

"Agreement"
« Accord »

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

"Inuit bylaw"
« règlement inuit »

"Inuit bylaw" means a Bylaw as defined in section 1.1.1 of the Agreement.

"Inuit law"
« loi inuite »

"Inuit law" means an Inuit Law as defined in section 1.1.1 of the Agreement.

"Nunatsiavut Government"
« gouvernement nunatsiavut »

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

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

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

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

HER MAJESTY

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

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

AGREEMENT

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

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

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

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

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

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

APPROPRIATION

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

TAXATION

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

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

GENERAL

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

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

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

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

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

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

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

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

Notice of issues arising **15.** (1) If, in any judicial or administrative proceeding, an issue arises in respect of
(a) the interpretation or validity of the Agreement, or

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

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

Content of notice

- (2) The notice shall
- (a) describe the judicial or administrative proceeding in which the issue arises;
 - (b) state whether the issue arises in respect of the matters referred to in paragraph (1)(a) or (b) or both;
 - (c) state the day on which the issue is to be argued;
 - (d) give particulars necessary to show the point to be argued; and
 - (e) be served at least 14 days before the day of argument, unless the court or tribunal authorizes a shorter period.

Participation in proceedings

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

Saving

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

CONSEQUENTIAL AMENDMENTS

ACCESS TO INFORMATION ACT

16. [Amendment]

CANADA NATIONAL PARKS ACT

17. [Amendment]

CANADA-NEWFOUNDLAND ATLANTIC ACCORD IMPLEMENTATION ACT

18. [Amendment]

LOBBYISTS REGISTRATION ACT

[Repealed, 2005, c. 27, s. 26]

19. [Repealed, 2005, c. 27, s. 26]

PAYMENTS IN LIEU OF TAXES ACT

20. [Amendment]

PRIVACY ACT

21. [Amendment]

COORDINATING AMENDMENTS

ACCESS TO INFORMATION ACT

22. [Amendments]

LOBBYISTS REGISTRATION ACT

23. [Amendments]

PAYMENTS IN LIEU OF TAXES ACT

24. [Amendments]

PRIVACY ACT

25. [Amendments]

OTHER AMENDMENTS

26. [Amendments]

COMING INTO FORCE

Order in council

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

* [Note: Sections 22 to 26 in force on assent June 23, 2005; Act, other than sections 22 to 26, in force December 1, 2005, see SI/2005-117.]