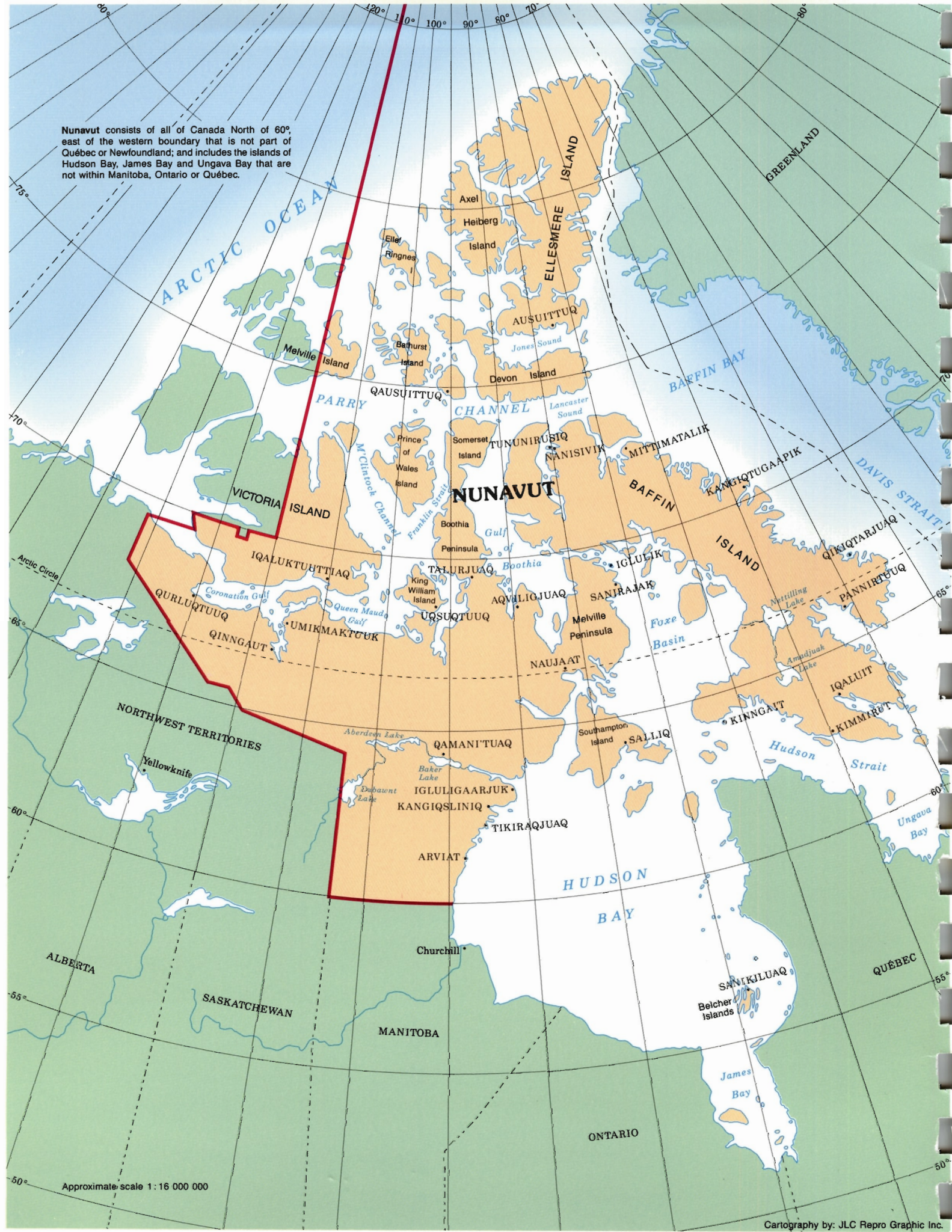




Nunavut Implementation Commission

Nunavut consists of all of Canada North of 60° east of the western boundary that is not part of Québec or Newfoundland; and includes the islands of Hudson Bay, James Bay and Ungava Bay that are not within Manitoba, Ontario or Québec.



Approximate scale 1:16 000 000

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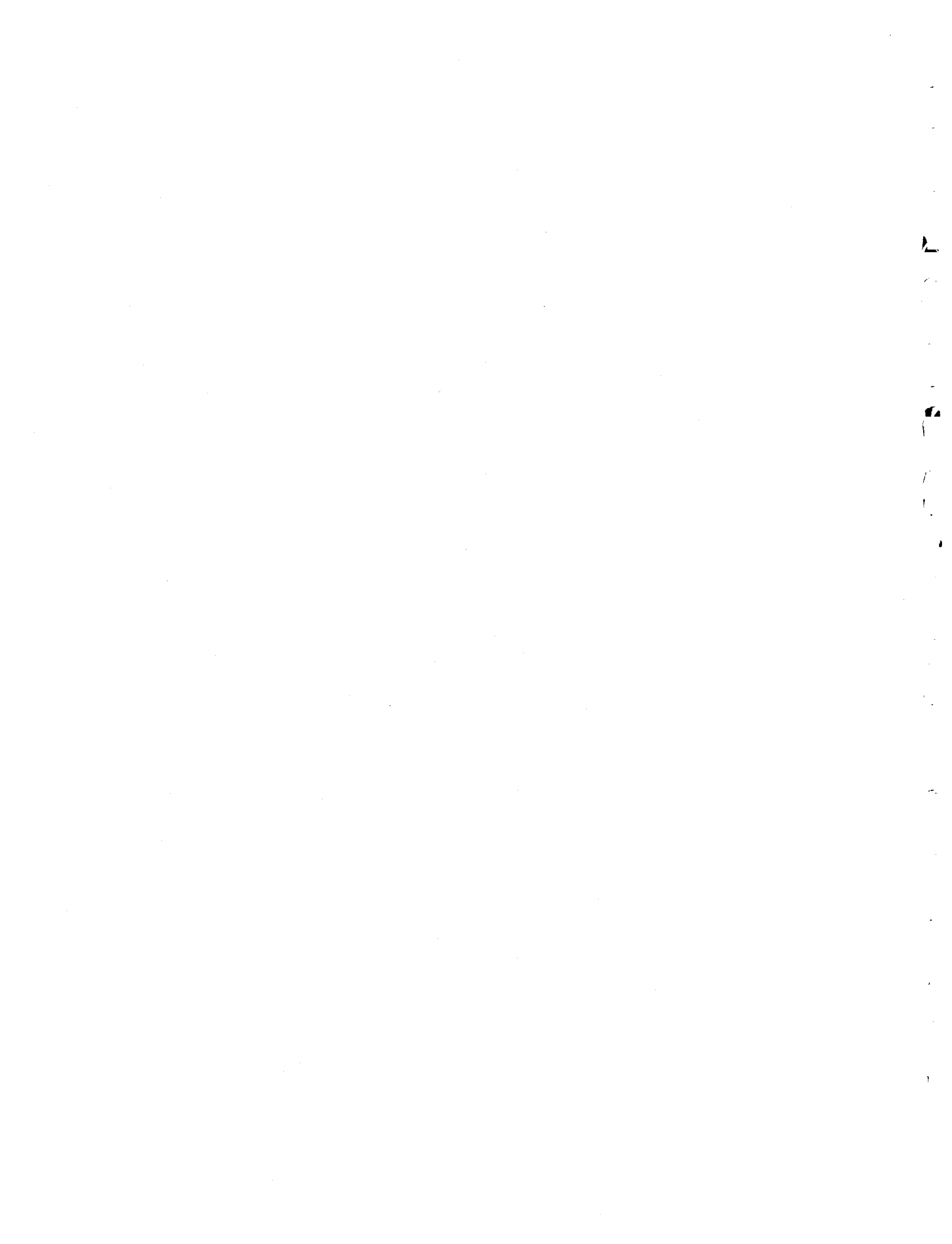
**1997 Reports of the
Nunavut Implementation Commission**

June 30, 1998

Table of Contents

1. **The Future of Work in Nunavut Conference: Final Report**
March 3-5, 1997, Iqaluit June 30, 1997

2. **Integrating Inuit Rights and Public Law in Nunavut:
a Draft Nunavut Wildlife Act** October 17, 1997



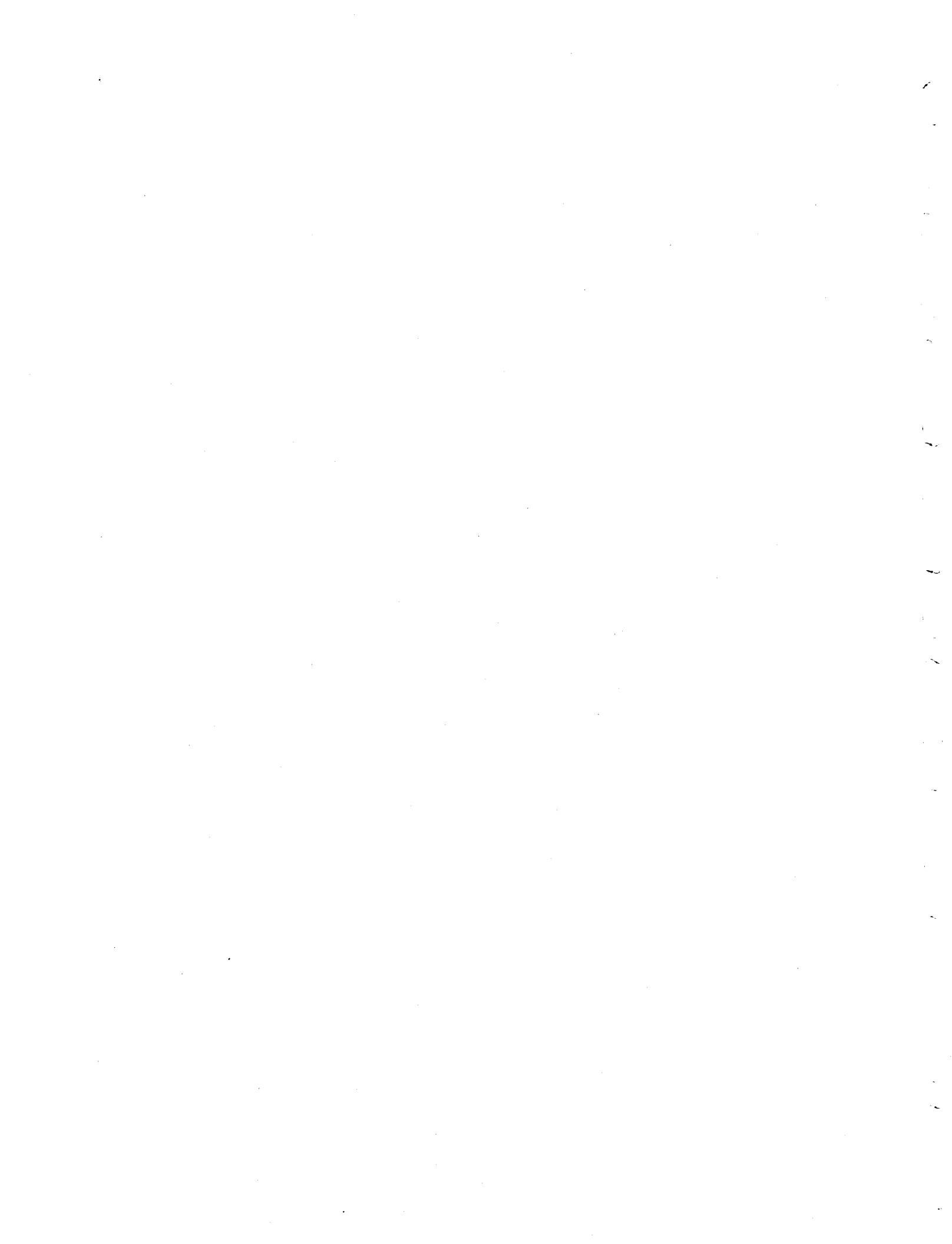
THE FUTURE OF WORK IN NUNAVUT CONFERENCE

**3 - 5 March 1997
Iqaluit**

F I N A L R E P O R T

This document is also available in French, Inuktitut and Inuinnaqtun, as well as in multiple formats: large print, audio cassette, braille and computer diskette.

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COMMUNITIES

The Town of Iqaluit

The Hamlet of Baker Lake

The Hamlet of Gjoa Haven

The Hamlet of Igloolik

The Hamlet of Repulse Bay

The Hamlet of Cambridge Bay

The Hamlet of Grise Fiord

The Hamlet of Rankin Inlet

The Hamlet of Taloyoak

COMMUNITY DISCUSSION GROUPS

Facilitators—Eva Adams, Peter Akkikungnaq, Paul Emingak, Joe Iyerak, John Kaunak, Meeka Kiguktak, Thomas Kudloo, Thomas Tiktak and Jimmy Oleekatalik and all the people who reported on group discussions.

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PRESENTERS, MODERATORS AND PANELISTS

John Amagoalik, Mary Simon, Meeka Kilabuk, Jose Kusugak, Jimi Onalik, Sandra Inutiq, Joe Kunuk, Raurri Ellsworth, Jochebed Avingaq, Charlie Crow, Lucassie Arragutainaq, Elijah Erkloo, Martha Flaherty, Simon Awa, Mike McCracken, Joe Enook, Natsiq Alainga-Kango, Jack Kupeuna, Joe Attagutaluk, George Berthe, Bert Rose, Clara O'Gorman, Goo Arlooktoo, Laura Gauthier, Francine Gauthier-Jones, and Davidee Arnakak.

CONFERENCE ORGANISATION

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Nunavut Catering and Consulting Services—Doug Lem and his team of assistants and students in Iqaluit.

CONFERENCE BROADCAST

Host Abraham Tagalik, and Patti Billings, Pitseolak Kilabuk, Brett Pollock, Ken Todd and the Inuit Communications Systems Limited crew.

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- Office for Disability Issues
- Youth Initiative Program

Indian and Northern Affairs:

- Aboriginal Workforce Participation Initiative
- Funding & Institutional Development (Yellowknife Regional Office)
- Nunavut Secretariat

Industry Canada:

- Aboriginal Business Canada

Public Service Commission:

- Diversity Management Directorate

Government of the Northwest Territories

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Pan Arctic Inuit Logistics Limited
Pairiyait Tigummivik Elders Society of Iqaluit
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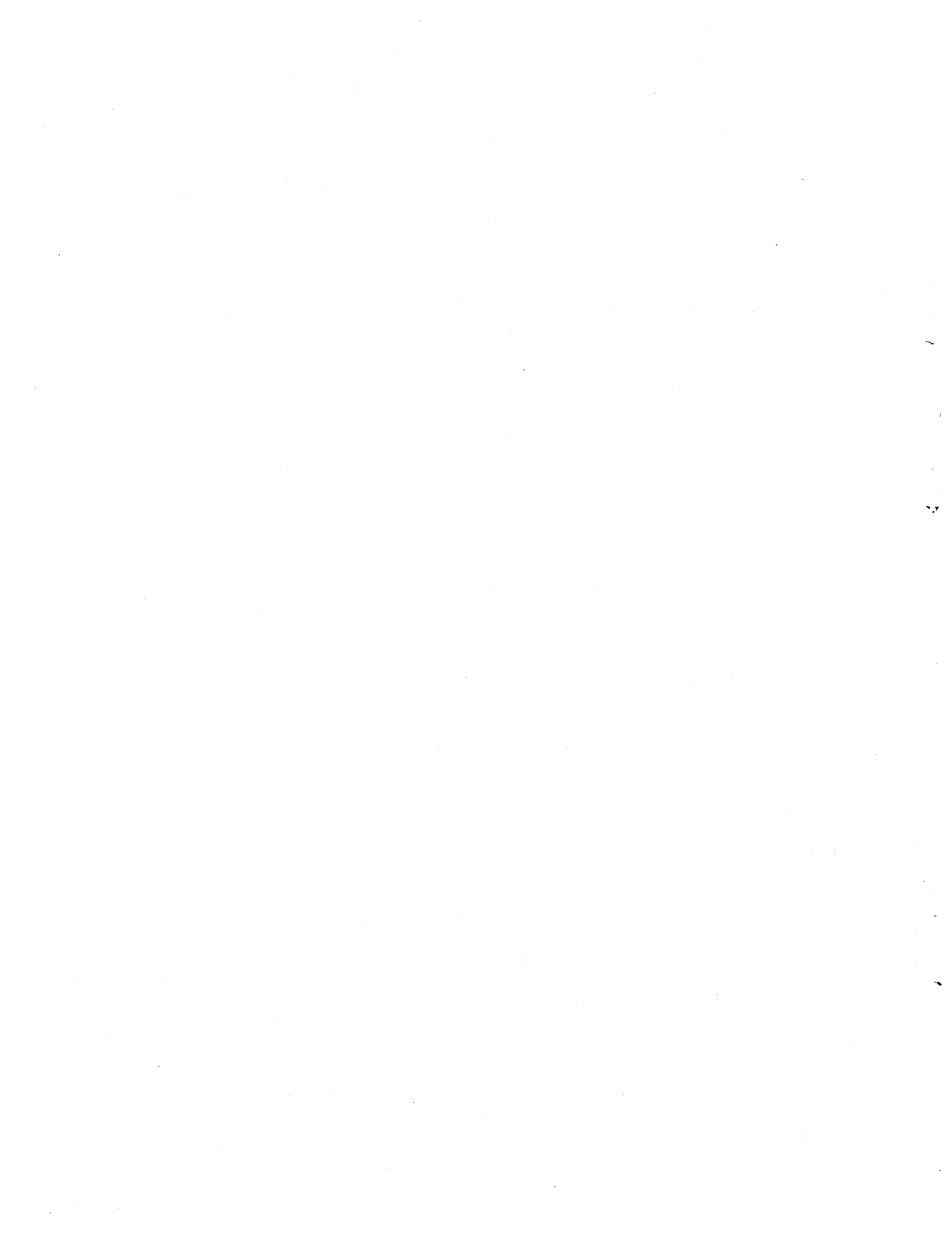
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Northwest Territorial Airways (NWT Air)
Northwest Territories Teacher's Association
Royal Bank of Canada
Telesat Canada
Television Northern Canada
Tittaq Baffin Office Products Limited

TABLE OF CONTENTS

| | | |
|------------|--|----|
| 1.0 | Introduction | 13 |
| 2.0 | Background | 14 |
| 2.1 | The Nunavut Implementation Commission | 14 |
| 2.2 | Rationale | 14 |
| 2.3 | Objectives | 16 |
| 2.4 | Organisation and Fund-raising | 17 |
| 3.0 | Conference Design | 18 |
| 3.1 | Overview | 18 |
| 3.2 | Participants | 18 |
| 3.3 | Agenda and Format | 19 |
| 3.3.1 | Agenda | 19 |
| 3.3.2 | Modifications to the Agenda | 20 |
| 3.3.3 | Background Papers | 20 |
| 3.3.4 | Presentations and Panels | 20 |
| 3.4 | Telecommunications | 21 |
| 3.4.1 | Interactive Community Consultive Model | 21 |
| 3.4.2 | Connecting the Community Discussion Groups | 21 |
| 3.4.3 | Broadcast Site | 22 |
| 3.4.4 | Live Production | 22 |
| 3.4.5 | Technology | 22 |
| 3.4.6 | TVNC Viewing Audience | 23 |
| 3.5 | Accessibility Design | 23 |
| 3.5.1 | Information Access | 23 |
| 3.5.2 | Physical Access | 24 |
| 3.6 | Assessment | 25 |
| 3.6.1 | Agenda and Format | 25 |
| 3.6.2 | Telecommunications | 26 |
| 3.6.3 | Accessibility | 26 |

| | | |
|------------|---|-----------|
| 4.0 | Summary of Presentations and Panels | 27 |
| 4.1 | Opening Ceremonies | 27 |
| 4.2 | Welcome from the Co-Chairs | 27 |
| 4.3 | Conference Agenda and Design | 28 |
| 4.4 | Welcome from the Mayors | 29 |
| 4.5 | Work and the Nunavut Land Claims Agreement | 30 |
| 4.6 | Aspirations of Nunavut Youth | 30 |
| 4.7 | Perspectives on Work | 31 |
| 4.8 | Socio-Economic Overview of Nunavut | 35 |
| 4.9 | Changing Patterns of Work | 35 |
| 4.10 | Education, Training and Technology | 36 |
| 4.11 | Wrap-up for the Day | 38 |
| 4.12 | Summary of Previous Day's Proceedings | 39 |
| 4.13 | Making the Vision Come Alive | 39 |
| 4.14 | Closing Remarks | 41 |
| 4.15 | Closing Ceremonies | 42 |
| | | |
| 5.0 | Summary of Major Themes in Discussions | 42 |
| 5.1 | Language, Culture and Traditional Values | 44 |
| 5.2 | Education | 45 |
| 5.3 | Labour Force Development and Training | 46 |
| 5.4 | Human Resource Management Practices | 47 |
| 5.5 | Creating Employment and Economic Development | 47 |
| 5.6 | Children, Youth and Elders | 48 |
| 5.7 | Gender Equality | 49 |
| 5.8 | Disability Issues | 49 |
| 5.9 | Social and Economic Issues | 50 |
| 5.10 | Administration of Justice | 50 |
| 5.11 | Telecommunications and Information Technology | 51 |
| 5.12 | Community Participation | 51 |
| | | |
| 6.0 | Observations and Recommendations | 52 |
| 6.1 | Observations | 52 |
| 6.2 | Recommendations from Conference Participants | 52 |
| 6.3 | Proposals for Follow-up | 55 |

| | | |
|------------|--|----|
| Appendix 1 | List of Participants | 57 |
| Appendix 2 | Chapter 4— <i>Footprints 2</i> | 61 |
| Appendix 3 | Steering Committee | 77 |
| Appendix 4 | Statement of Revenue and Expenditures | 79 |
| Appendix 5 | Discussion Group Questions | 81 |
| Appendix 6 | Background Papers | |
| | Socio-Economic Overview of Nunavut..... | 83 |
| | Changing Patterns of Work and Employment | 87 |
| Appendix 7 | Panelists, Moderators and Presenters | 91 |



1.0 Introduction

The Nunavut Territory will come into existence on April 1, 1999. The creation of this new territory is a great achievement—the culmination of a long struggle by the Inuit of the Eastern and Central Arctic. Tremendous progress has been made; however, the implementation of Nunavut represents a continuing challenge.

One of the most significant issues confronting Nunavut residents is the future of work. How will employment be created for the growing population and how will it be distributed? What kind of education and training will be required? How will the workplace be organized and managed? What role will the traditional economy play in the future? How will socially valuable work be recognized and rewarded? How will new technologies be utilized to improve working conditions and the quality of life?

In order to address these difficult, but fundamental, questions the Nunavut Implementation Commission (NIC) organized a conference on the future of work in Nunavut. The overriding goal of the conference was to launch broadly-based discussions on working and the quality of life in Nunavut. The conference was designed in such a way as to make it accessible to as many Nunavut residents as possible by reducing the barriers presented by distance, language and disability.

The conference which was held March 3-5, 1997, included approximately 150 participants at the main site in Iqaluit and approximately 100 other people in community discussion groups. (See Appendix 1 for a list of participants). The proceedings were also broadcast over Television Northern Canada (TVNC) to a potential viewing audience of 100,000 people in 96 communities across the North.

The videotape of the conference which was produced in Inuktitut and English, with open captioning in English and American Sign Language (ASL) interpretation, is the official record of the conference proceedings. (Copies of the 11.5 hour tape can be obtained from the TVNC office in Ottawa.)

This report provides an overview of the conference, including background, conference design, a summary of presentations and panels, a summary of the main themes addressed in discussions, observations and recommendations, proposals for follow-up and appendices.

2.0 Background

2.1 The Nunavut Implementation Commission

The Nunavut Act (1993) which provided for the creation of the Nunavut Territory and Government, also made provision for the establishment of the Nunavut Implementation Commission (NIC). The NIC is composed of a Chief Commissioner and nine members appointed by the Government of Canada, the Government of the Northwest Territories (GNWT), and Nunavut Tunngavik Incorporated (NTI). The NIC has a mandate to advise the parties on matters related to the establishment of the Nunavut government.

Since its first meeting in January 1994, the NIC has initiated a number of different studies and made recommendations concerning the design and operation of the Nunavut government, the location of the capital of Nunavut, telecommunications and the establishment of Community Teleservice Centres (CTSCs), gender parity in the legislature, education and training, etc. The details of these and other recommendations are contained in *Footprints in New Snow* (1995) and *Footprints 2* (1996) and ten other supplemental reports to the three parties.

The NIC made several recommendations concerning new approaches to work in chapter 4 of *Footprints 2* (see Appendix 2). One of the key recommendations called for a major conference on the future of work in Nunavut. The recommended conference was based on a proposal which outlined the rationale, objectives, format, agenda, logistics and budget for the conference.

2.2 Rationale

In the initial proposal, the rationale of the conference was outlined as follows:

"In the years ahead, Nunavut will be facing a number of challenges common to other governments around the world in addition to having to confront those problems unique to Nunavut.

Recently it has been suggested that the world is in the midst of a revolutionary shift from an industrial to an information-based economy. This new economy will require a lot less wage labour due to the advancement of technology and will involve a major transformation in how work is organised and distributed in society. Essentially, this

means that the notion that everyone should have a standard, nine-to-five, year-round job is rapidly becoming obsolete. The concept of work in the future will be radically different than it is today. And, as with all change, this kind of major shift presents opportunities as well as significant social and economic problems.

The people of Nunavut are currently experiencing unacceptably high rates of unemployment. The average rate of real unemployment is hovering just under 30% for Nunavut as a whole. In more than half of the communities, the number of individuals who are unemployed and want a job ranges from 35% to as high as 47%. While the majority of those looking for work report that they would like year-round, full-time employment, a substantial number report that they would prefer or would accept seasonal or part-time work (1994 GNWT Labour Force Survey). It is important that we examine what lies behind these figures to get to a clearer picture of people's expectations, attitudes and values concerning 'jobs' and work in Nunavut.

The number of people requiring social assistance is also unacceptably high and has increased dramatically over the last ten years. Social assistance recipients often feel trapped in a cycle of poverty and dependency and experience a sense of hopelessness. Meanwhile there is a huge, and growing demand for programs and services and limited funds are available to respond to pressing social problems in the communities.

Many of those that have jobs are also having a hard time making ends meet. At the same time, they are bearing a heavy burden in trying to juggle work, family, and community responsibilities. Women are particularly affected by these stresses since they make up a large part of the paid labour force and still do a great deal of unpaid work related to family and volunteer activities.

Individuals who are prevented from fully participating in work and society due to intellectual, sensory or physical disabilities are often overlooked in discussions of the labour force. A recent study found that people in aboriginal communities have a disability rate almost three times higher than the national average (Aboriginal Persons with Disabilities: Facing a Life of Barriers; Adele D. Furrrie, November 30, 1995). Since it is well established that disabilities increase with age, this is an area of serious concern for the future, in terms of the potential cost and accessibility of services as well as the need to remove barriers preventing people with disabilities from participating in the work force and the community.

Youth, under the age of 25, make up approximately 60% of the population of Nunavut. Many young people are concerned about what the future will hold for them and are having problems relating to the importance of education, since their job

prospects seem bleak. School and training enrolments are increasing but there is still a large gap in the skills and educational attainment levels required to get a job in the public or private sector in Nunavut. (Snapshot of the Nunavut and Western NWT Labour Market, March 1995).

Elders, who are a significant minority in Nunavut, are the keepers and transmitters of traditional knowledge, values and culture. They are very worried about the loss of the traditional ways and are feeling out of touch with younger generations.

Everywhere in Nunavut, people are struggling to find ways to create a prosperous future without destroying Inuit culture and identity. Traditional Inuit values seem much closer to the emerging vision of the future of work than to the prevailing western industrial model. With the creation of Nunavut, Inuit may be able to avoid the worst pitfalls of the old model and assume a place on the leading edge of change.

The issue of how work is distributed amongst members of Nunavut society merits serious consideration. The reduction, reorganisation, and redistribution of working time has the potential to create jobs; to help balance work and family responsibilities; to make more time available for life-long learning and community involvement; to contribute to the development of a healthy and productive society; to support sustainable economic development; and, to help preserve traditional cultural values.

A conference on the future of work would give the people of Nunavut and their leaders an opportunity to consider various alternatives for the future of work in light of their own experience and aspirations. The conference could provide the basis for further community conversations regarding these issues and lead eventually to consensus around the development of a human resources and employment strategy to meet the real social, economic, cultural and linguistic needs of all of the people of Nunavut."

2.3 Objectives

The objectives of the conference were to:

- create a forum for open dialogue among the people of Nunavut and their leaders about their vision for the future of work and to lay the groundwork for further discussions concerning their vision of how opportunities presented by new forms of work could be used to help create a healthy and prosperous society in Nunavut;

- explore options and opportunities for promoting an equitable distribution of work, job creation, culturally responsive human resource practices, relevant education and training, recognition and support for traditional activities which contribute to the quality of family and community life and sustainable economic development;
- explore the potential associated with the use of technology and information systems to create new employment opportunities and to ensure equality of access to services and benefits for all the residents of Nunavut;
- demonstrate the application of universal design principles by delivering the conference in such a way as to enable as many residents of Nunavut as possible to participate in ongoing dialogue on this issue; and,
- assist the Nunavut Implementation Commission in gathering information for the development of a work plan to address future-of-work issues as they relate to the design of policies, programs, services infrastructure and institutions in Nunavut.

2.4 Organisation and Fund-raising

In July 1996, the Nunavut Implementation Commission approved the conference proposal, which had been developed by a small organizing committee, and struck a Steering Committee to oversee planning and fund-raising for the conference. The Steering Committee (see Appendix 3) was made up of NIC Commissioners, Clara O’Gorman and Peter Ernerk, NIC staff, a representative of the GNWT and the consultants responsible for the conference agenda and format, logistics, telecommunications and accessibility design. The conference which was scheduled for March 3-5, 1997, was to include up to 150 people at the main site in Iqaluit. In addition, community discussion groups, composed of 10 to 12 people, were to be held in nine Nunavut communities (including Iqaluit). The conference was to be conducted in both Inuktitut and English and was to be broadcast live to ninety-six communities across the North. As well, the conference was to be made universally accessible to people with sensory or physical disabilities.

The total cost of the conference was projected to be approximately \$380,000. This amount was considerably less than it would have cost to transport a comparable number of people to the conference site. (A detailed financial statement for the conference is included in Appendix 4.) Because the NIC’s finances could not support such an ambitious undertaking, funding was sought from several sources. The goal of the fund raising effort was to obtain one third of the costs from the federal government, one third from the territorial government, and one third from Inuit organizations and the private sector.

With initial generous funding commitments from the GNWT and Indian and Northern Affairs Canada, organizers were able to proceed with conference planning while continuing to raise funds from other sources.

Organizers were successful in raising financial contributions and services-in-kind from the GNWT, Indian and Northern Affairs Canada, Human Resources Development Canada, the Public Service Commission, Industry Canada, Nunavut Tunngavik Incorporated and some twenty six other northern and southern-based private organizations, including Inuit organizations and businesses.

The Future of Work in Nunavut Conference was an ambitious undertaking and its success ultimately depended on the commitment of NIC staff, the joint efforts of the Steering Committee, and the faith that sponsors demonstrated in the project.

3.0 Conference Design

3.1 Overview

The Future of Work in Nunavut Conference was designed to involve as many people as possible in a dialogue about how they would like the future of work to unfold and to lay the groundwork for a social and economic agenda for the Nunavut Territory. The broad range of participants, the involvement of the communities, the scope of the agenda, the breadth of the presentations and panel discussions, the innovative use of telecommunications, and the universal accessibility design were all important elements in achieving the goal of making the conference fully inclusive.

3.2 Participants

Invitations were sent to approximately 150 individuals from government, the private sector and Inuit organizations. Special efforts were made to include elders, youth, women and people with disabilities.

Nine communities (three from each region) were selected to participate in the conference—Iqaluit, Igloolik, Grise Fiord, Rankin Inlet, Baker Lake, Repulse Bay, Gjoa Haven, Cambridge Bay, and Taloyoak. These communities were selected on the basis of their location, population, unemployment and employment rates and

levels of social assistance to reflect the diversity of community circumstances. Facilitators in each of the nine communities were identified and trained by the Inuit Communications Systems Limited (ICSL). Facilitators were asked to assemble a gender-balanced group of people representing a cross-section of the community. Community discussion groups were to watch the conference together, discuss the themes of the conference and report back to the plenary sessions by video or telephone and fax.

Facilitators were provided with a set of questions to help guide group discussions. (The list of questions used to guide the discussions is attached in Appendix 5.) A Facilitators' Manual, including instructions on how to link up with the main site, and registration, feedback and evaluation forms, was also prepared for distribution in advance of the conference.

3.3 Agenda and Format

The agenda for the conference was designed to introduce fundamental concepts related to working and the quality of life, to obtain a broad range of views on how people envisioned the future of work and to launch ongoing discussions on how this vision could be realized in Nunavut.

3.3.1 Agenda

Starting times for the conference were staggered to accommodate participants in three time zones. The agenda for the first day of the conference included opening ceremonies, welcoming remarks from the co-chairs and the mayors of the communities, a review of the conference design and agenda and presentations on "Work and the Nunavut Agreement" and "Aspirations of Nunavut Youth." The speeches in the opening sessions were intended to set the scene for the following two days which were designed to be more intensive working sessions.

The agenda for the second day of the conference was organized around two main themes—"Working and the Quality of Life in Nunavut", and "The Changing World of Work." Presentations and panels on these themes were to be followed by group discussions and reports back into the plenary sessions. A wrap up for the day was scheduled as the last item of the day's agenda.

The agenda for the final day of the conference included a summary of the previous day's discussions and two presentations on the theme of "The Future of Work in

Nunavut—Making the Vision Come Alive.” These presentations were to be followed by another group discussion session, reports to the plenary session, and closing ceremonies.

3.3.2 Modifications to the Agenda

The conference agenda was modified in a number of areas to accommodate difficulties with the telecommunications system and to provide more time for community input. The broadcast was extended by one hour on the second day of the conference in response to requests from communities and individuals in the viewing audience. On the final day of the conference, the broadcast was extended by one half hour and the scheduled summary of the previous day’s proceedings was eliminated to make more time available for feedback from discussion groups in Iqaluit and the other communities.

3.3.3 Background Papers

Two substantial background papers dealing with a socio-economic overview of Nunavut and changing patterns of work, including a brief description of levers for change, were prepared especially for the conference and distributed in advance to give participants and facilitators an opportunity to review them ahead of time. (These papers are included in Appendix 6.)

3.3.4 Presentations and Panels

Panelists and presenters were drawn from a broad cross-section of Nunavut society to ensure as many different perspectives as possible were reflected on the agenda. (See Appendix 7 for biographical notes on panelists, moderators and presenters.) The main purpose of the presentations and panels was to stimulate free-flowing discussion among participants. Consequently, the people making presentations were asked to speak for no more than fifteen minutes and panelists were asked to speak informally for about five minutes each.

Panelists and presenters were seated at tables with other participants and participated fully in discussion groups so that the traditional model of “experts and passive listeners” was avoided. As the conference proceeded, people were able to build on what was said in presentations and in community reports and take part in an informal exchange of views with other participants.

3.4 Telecommunications

One of the many challenges facing the people of Nunavut as April 1, 1999 draws closer is consultation with Nunavut residents about the important issues that affect them. The NIC sought to address this challenge by organizing a conference on the future of work which would include the residents in remote communities. Clearly, a traditional conference where all participants travel to attend was impractical. Not only would this standard approach limit the inclusiveness of the conference, it also posed financial problems.

3.4.1 Interactive Community Consultive Model

Inuit Communications Systems Limited (ICSL) provided a telecommunications-based solution through their Interactive Community Consultative Model. This model, which had been developed for the *Connecting the North Symposium* in 1995, was adapted to meet the special needs of *The Future of Work in Nunavut Conference*. Incorporating these special requirements enhanced ICSL's interactive model and set a new standard for inclusion and consultation. *The Future of Work in Nunavut Conference* became the first conference that combined "traditional" conference site attendance with "satellite site" conference attendance, while providing access to people with disabilities.

The Future of Work in Nunavut Conference provided an interactive, electronic forum, which was broadcast over the Television Northern Canada network (TVNC). TVNC's signal reaches northern communities from Labrador to Yukon. This technique enabled all Nunavut participants to participate without leaving their communities. For eleven and one half hours over a three day period the residents of 26 Nunavut communities (and the whole of the North for that matter) had an opportunity to join in the discussions around the issues explored in the conference.

3.4.2 Connecting the Community Discussion Groups

The Community Discussion Groups relied on the television broadcast for delivery of the conference proceedings, and video conference, teleconference and fax for interaction. Each day community groups gathered in a central location in their communities, watched the conference on TVNC, and held discussions around the issues raised by panelists and presenters and the questions posed in the facilitator's manual. Notes on discussions were faxed to the main conference site for inclusion in the next session's script and the final report.

3.4.3 Broadcast Site

The Cadet Hall in Iqaluit was chosen as the main conference site for a number of reasons—it was large enough to hold all the participants; it was accessible by participants with disabilities and it contained facilities that could accommodate the broadcast portion of the conference. Iqaluit is an up-link and technical centre for TVNC and is the only location in Nunavut with an established broadcast centre. However, since the main conference site was located in the Cadet Hall, the broadcast signal needed to be transported 1000 yards from the Cadet Hall to the TVNC up-link. A microwave backhaul set up on the Cadet Hall roof with a line to the TVNC tower proved to be the most dependable method of transporting the signal.

3.4.4 Live Production

For the most part, the conference agenda provided the framework for the broadcast. However, both the agenda and the broadcast timetable were adjusted as needed to accommodate the interactive component of the conference.

The conference broadcast required a considerable amount of technical equipment and expertise including:

- television master control equipment (housed in a storage room in the Cadet Hall);
- three main cameras, a graphics camera and a camera for the sign language interpreter;
- modem and telephone lines to accommodate the open captioning and the connections with the communities;
- a television crew and set-up crew consisting of fourteen people;
- large screen liquid crystal display (LCD) projector to accommodate the main conference site participants;
- videoconference equipment to receive video conference interaction from Rankin Inlet, Cambridge Bay and Yellowknife; and
- interconnections with the translations systems to feed the conference audio to the open captioner and into the record for English translation and broadcast.

3.4.5 Technology

The conference telecommunications depended on the present communication infrastructure in the North. This infrastructure prompted the organizers to blend many

different methods of communication to facilitate interaction. These methods included television broadcast via satellite; videoconference via telephone lines and satellite; phone via satellite and telephone lines; and, fax via satellite and telephone lines.

3.4.6 TVNC Viewing Audience

While it is not possible to accurately calculate the total number of people who watched the conference proceedings on TVNC, the potential audience was very large. Any one of the 100,000 people who receive TVNC could view the conference or participate through the open-line during the live broadcast. In addition, many Northern and national educational institutions, especially those with Northern Studies programs are able to down-link TVNC. The original broadcast was aired live in Inuktitut with English open captioning and ASL interpretation. The conference was also subsequently rebroadcast in English translation (March 6-9).

3.5 Accessibility Design

The Future of Work in Nunavut Conference was designed to explore the realities, choices, options and opportunities available to the people of Nunavut. Providing an accessible conference would give all the people of Nunavut a chance to be involved in the development of their future. To that end, organizers attempted to eliminate the barriers created by disability as well as language, distance, literacy. The universal design of the conference and the application of communication technologies provided a forum for everyone to be involved in the dialogue.

An integrated approach was adopted from the earliest planning stages to ensure that the requirements of all people attending the conference would be met. Information, communications and physical access requirements were identified and incorporated into the overall conference design. The universal design of *The Future of Work in Nunavut Conference*, which was developed by the Communication Access Team of T-Base Research & Development (T-Base), included both information and physical access.

3.5.1 Information Access

Methods for providing universal access to information included:

- **Multiple Formats;**
To maximize the value of this initiative, it was important to make conference information accessible in multiple formats to meet individual requirements.

Every written document that was printed in Inuktitut and English was also available on audio cassette, on computer diskette, in braille (English) and in large print. The letter of invitation, registration package, background material, agenda, list of participants and list of sponsors were made available in multiple formats. This initiative made it possible to overcome barriers created by language, literacy and disability. The conference registration package included a questionnaire to identify the language and information format requirements of prospective participants. *InfoTouch*, a multiple format access and production system, was used to store and produce information in multiple formats as required by individual participants.

- **Signage;**
Raised letters, pictograms and braille on high contrast black and white tactile signage were provided at the conference site to identify washrooms and emergency exits. These signs were donated to the Cadet Hall after the conference.
- **Listening Systems;**
To maximize the effectiveness of assistive listening systems, the physical set-up of the conference facilities were arranged to accommodate listening systems including FM, loop, silhouette, IR (Infrared), TTY (Teletypewriters); Real-time captioning; and American Sign Language interpretation.
- **Open Captioning and American Sign Language (ASL);**
The conference proceedings were televised in Inuktitut, captioned in English, and signed by ASL interpreters to reach as many people as possible, including those with hearing loss. The conference video stands as the definitive version of the proceedings as it faithfully represents, in the participants' language, captioned and signed, what transpired during the conference.

3.5.2 Physical Access

Methods for providing physical access to the conference included:

- **Accessibility Checklist;**
To ensure that people with physical and sensory disabilities could attend and participate in the conference, site facilities and transportation services were assessed for accessibility. T-Base developed a checklist to evaluate possible conference sites, hotels and restaurants, taking into account the needs of people who are blind or partially sighted; people who are deaf, deafened or hard of hearing; and, people who use wheelchairs or canes.

- Facilities;
 - An evaluation of possible conference sites within Iqaluit found the Cadet Hall to be the most accessible. The location is central, close to hotels and the airport. The hall's entrance, conference room and accessible washrooms are on the same floor, so that attendees did not need to negotiate stairs.

Accommodation for people with disabilities was arranged at the Discovery Lodge. The staff of the hotel were informed about the needs of their guests, and were instructed in the use of communication technologies such as counter loop systems and Teletypewriters (TTY's).
- Transportation;

The evaluation of air transportation found that planes in the North are inaccessible to wheelchair users. Passenger boarding usually takes place through narrow steps at the rear of the plane and people who use wheelchairs must be carried. The Iqaluit airport building, however, has outdoor ramps, automatic door openers, wide doors and a level floor making it accessible to wheelchair users.

As there is no public transport except for taxis, the Elders' Society of Iqaluit Pairiyait Tigummivik generously offered their fully accessible minibus in the mornings, at lunch, and after the conference sessions to transport participants with mobility limitations.

3.6 Assessment

Judging from the responses from the communities during the broadcast and in evaluations, *The Future of Work in Nunavut Conference* was very well received, not only for the timeliness of the topics addressed, but also for the involvement of communities from across Nunavut. Many people commented on the involvement of youth, elders and people with disabilities as a highlight.

3.6.1 Agenda and Format

Evaluations from community discussion groups expressed a very high degree of satisfaction with the information and topics presented and the issues discussed, as well as the level of interaction and participation. In their evaluations participants said they were extremely pleased that the communities were being given an opportunity to have input into the proceedings. However, people were less satisfied with the time allotted for community discussion and feedback.

3.6.2 Telecommunications

The conference suffered from a number of technical difficulties. Power outages in Iqaluit delayed the technical set-up and sun transits caused havoc with telecommunications during the broadcast. Originally, community discussion groups both in Cambridge Bay and Rankin Inlet were to be connected to the Iqaluit site by videoconference. However, it was not possible to connect the Rankin Inlet site because of the sun transit and other technical problems. An unplanned videoconference link was arranged for the final day of the conference to enable the Honourable Goo Arlooktoo, Deputy Premier of the GNWT, to make his presentation from Yellowknife.

The community evaluations indicated that people were both impressed with the potential of telecommunications and frustrated by some of the technical problems. The conference organizers were aware of the risks of attempting such a technically complex format but were firmly committed to the goal of demonstrating the potential benefits of telecommunications by pushing the limits of the current infrastructure.

Ideally technology should be as invisible as possible to ensure the medium does not become the message and overshadow the issues on the table. In the end what dominated the conference was the content and the interaction—and this is the true measure of success for any interactive community consultative model.

3.6.3 Accessibility

The conference demonstrated that providing language translation services, information in multiple formats, remote communication technologies and accessible facilities and transportation allowed many people, who otherwise would not have been able to participate, to contribute to the dialogue on the future of work in Nunavut. The conference used all available techniques to provide universal accessibility. During the broadcast, several people requested Inuktitut open captioning. However, at present, no capacity exists to provide open captioning in Inuktitut. The development of such a system would add another important new dimension to accessibility in Nunavut.

4.0 Summary of Presentations and Panels

The information and ideas put forward in presentations and panels covered a wide range of issues, reflecting the diversity of Nunavut society. What was common to all who spoke was their clear and passionate commitment to making Nunavut a better place for people to live and work. People spoke with conviction about the challenges facing them today as well as their hopes for the future. Their views were eloquently expressed and frequently inspiring. A written summary cannot do justice to the depth and breadth of the speakers remarks (in both Inuktitut and English). People are encouraged to view the videotape which is the official record of proceedings to get a full and accurate account of the what was said at the conference. What follows is a brief overview of the issues addressed by speakers on the formal agenda for the conference.

4.1 Opening Ceremonies

Abraham Tagalik, who acted as broadcast host for the conference, outlined the technical logistics for the conference proceedings. **Akeeshoo Joamie** gave the opening prayer. **Jayko Pitseolak** performed the lighting of the Qulliq. **David Serkoak** and a troupe of young dancers performed a traditional drum dance to open the conference.

4.2 Welcome from the Co-Chairs

John Amagoalik, Chief Commissioner of the Nunavut Implementation Commission began his comments by welcoming participants. He then spoke about the struggle for Nunavut—"The last twenty years have been devoted to simply getting us to a point where we can once again take charge of our own affairs...These were not easy years...So on April 1, 1999, we will have reason to celebrate—we will have achieved a great deal in a very short time. But we cannot afford to coast, the real work is just beginning."

He briefly discussed the current situation in Nunavut and outlined the rationale and objectives of the conference. He said "This conference seeks to begin the process of exploring the options and opportunities associated with alternative work arrangements to better distribute the opportunities for employment—and to do it in such a way as to better meet the social realities of our communities. We will have all the tools of the Nunavut Government to help us to do this, but the Nunavut Government cannot do it without our input and help."

In conclusion, Mr. Amagoalik thanked the federal and territorial governments, NTI and other sponsoring organizations for making the conference possible.

In her welcoming remarks, **Mary Simon, the Canadian Ambassador for Circumpolar Affairs and former Commissioner of the NIC**, spoke about the Nunavut Agreement and the creation of Nunavut in a global context. She said “Nunavut is the envy of aboriginal people throughout the globe and it is being quietly watched by many governments and jurisdictions around the world...A majority aboriginal population in a jurisdiction which welcomes all peoples and respects and protects all citizens’ rights in both spirit and law is something of which to be proud.”

She then spoke of the role of men and women in Inuit society. She said “Men and women in traditional times were always equal—neither could survive without the work performed by the other... the proposal put forth by the Commission [for gender parity in the legislature] is enlightened in its awareness of the need to re-balance what was once so, and to do so in such a simple and practical fashion. Imagine a world where men and women are truly equal and not simply because the law said it should be so, but because it is part of ones cultural heritage and beliefs.”

Ms. Simon said that residents of Nunavut could lead the way in other areas as well, and mentioned the potential of communications technologies to improve efficiency, reduce costs and provide employment in remote communities. Ms. Simon went on to say “The opportunity to take charge and develop a style of governance that meets the cultural, economic and geographical realities of the present, to redress the imbalances of the past with enlightened policies for the future, and to forge a society based on rights and equality for all its citizens is an opportunity seldom offered to any people.”

She concluded by saying “I would like to congratulate you on your foresight for organizing a conference on this topic [the future of work]. These are issues that confront not only Nunavut but also the rest of the world. Coming to grips with them now will help assert elements of a sound social and economic agenda. What is discussed and what is learned may have ramifications far beyond the geographic and jurisdictional sphere of Nunavut.”

4.3 Conference Agenda and Design

Meeka Kilabuk, Treasurer and Commissioner of the NIC explained the conference design and outlined the agenda. She said “The design of this conference is innovative in a couple of important ways. It has been designed to provide access

to as many people as possible including those with sensory and physical disabilities. You will note that we have gone to considerable lengths to ensure persons with disabilities can participate in this conference... Why have we done this? It is simple. People with disabilities have a contribution to make to our society and because of their disabilities they have a unique perspective on work and the way in which they must make their way in the world. People with disabilities have a right to the same things that others have—the right to happiness, the right to work and the right to a dignified role in society.”

She added “We are also trying to heighten the awareness of the benefits of using communications technologies as a means of increasing participation without increasing costs. This is an important point—people may be the source of information but people do not have to be moved in order to exchange information. As the world changes, so must we with it. In the past, the problems of distance and remoteness have disadvantaged Nunavut communities when it has come to job creation and economic development. But today, through the use of new communications and information technologies the barriers we faced in the past can be overcome.”

Ms. Kilabuk also spoke of the role of women in creating a healthy functioning society and said “We have tried to ensure the views of both women and men are heard by encouraging gender balance in the composition of the community discussion groups and in the presentations made.”

She concluded by saying “Inclusion is the over-riding theme of the design of this conference. We want to get people talking and give them a chance to say what is on their minds. We hope this conference will encourage ongoing discussions and will lead to the development of an employment and human resource development strategy uniquely suited to our situation—a strategy that will ensure a healthy and prosperous future for all the residents of Nunavut.”

4.4 Welcome from the Mayors

Joe Kunuk, Mayor of Iqaluit, welcomed participants to the conference and **Lazarus Arreak, President of the Qikiqtani Inuit Association** welcomed people to the Baffin Region. **William Noah, Mayor of Baker Lake; Gideon Qitsualik, Gjoa Haven; Jaypeetee Akeeagok, Grise Fiord; and John Kaunak, Deputy Mayor of Repulse Bay** offered welcoming remarks from their communities. Mayors of the other communities or their representatives were also scheduled to give brief welcoming comments at this point; however, technical difficulties with satellite transmission meant that some were unable to do so.

The following morning, **John Hickes, Mayor of Rankin Inlet; Wilf Wilcox, Mayor of Cambridge Bay; Aime Panimera, Mayor of Igloolik and Dennis Lyall, Mayor of Taloyaok** spoke to the conference from their communities.

4.5 Work and the Nunavut Land Claims Agreement

Jose Kusugak, the President of Nunavut Tunngavik Incorporated (NTI), addressed the conference on the subject of work and the Nunavut Land Claims Agreement. Mr. Kusugak spoke about the land claims provisions pertaining to employment in Nunavut, specifically Articles 5 and 7 which support the viability of the traditional economy; Article 8 concerning affirmative action with respect to hiring beneficiaries in parks; and Articles 23 and 24, which set a targets for representative levels of Inuit employment in the Nunavut public service and government contracting.

He remarked on the presence of youth at the conference and said he found it uplifting. He spoke about the importance of education and taking advantage of the freedom to design culturally relevant courses.

Mr. Kusugak talked about the need for Nunavut to be self-sufficient and provide employment for its residents. He said "We have to plan for 1999 and beyond," to create many different kinds of career opportunities as well as managerial jobs. He said that leaders were lobbying hard for jobs but people also had to take the initiative to go after the available opportunities. He said "You have to take the first step."

4.6 Aspirations of Nunavut Youth

Jimi Onalik, the Regional Youth Co-ordinator for the Kivalliq Inuit Association spoke about the aspirations of youth in Nunavut. He talked about the N-files project that surveyed 1000 Inuit youth concerning their reactions to NIC proposals. He said that the creation of Nunavut was regarded as more than a change in government structure or a change in letterhead; it was a "shared dream and a common goal".

Mr. Onalik said he was concerned that many youth were expecting a boom in government jobs and that the reality of the situation would be disappointing. He described the proposal for a Nunavut Jobs Corps that would put young people to work on community development and infrastructure. He said, "It's crazy, with so much to be done, that we have such high rates of unemployment."

He then described Nunavut using the analogy of an Etch-A-Sketch. He said that in the 40s, 50s, and 60s, the government erased the traditional Inuit vision of Nunavut and drew in their own image. For over twenty years Inuit leaders fought to get the Etch-A-Sketch back in their hands. The signing of the land claims agreement and the creation of Nunavut meant that Inuit could shake the Etch-A-Sketch again and draw in their own picture of Nunavut. He said that the ideas of youth were based on inclusion and they wanted to play a role in designing the future. In his words, “We want to assist in creating the picture of Nunavut.”

Sandra Inutiq, Vice President of the National Inuit Youth Council, mentioned some of the things that were improving in Nunavut, for example, more people were speaking out and getting back a sense of pride. Youth and elders also seemed to be making more effort to communicate with one another. She spoke of the need for more support from the elders and commented that youth found it “very hurtful to hear only what we’re doing wrong”.

Ms. Inutiq expressed deep concern about the education system that seems to have very low expectations regarding the abilities of Inuit children. To illustrate this point, she said that some kindergarten children in Nunavut are only expected to know how to count to eight. Speaking of her own daughter, she said her two-year-old could already count to thirteen. She said the current situation is unacceptable and in order to change it, parents will have to get directly involved in the education of their children.

She said that many Inuit employees working for territorial government felt that they were not being valued by their employers. She spoke of degrading experiences in the workplace where Inuit were told they were only hired because they were Inuit. She said this had to change.

In summary, Ms. Inutiq said that she envisioned a future in which people were not afraid to speak out; there were good communications between youth and elders; there was a good education system; respect for traditional knowledge; and the Inuit were performing responsible jobs in a supportive workplace.

4.7 Perspectives on Work

The panel on Perspectives on Work was moderated by **Joe Kunuk, Mayor of Iqaluit**.

Raurri Ellsworth, the Youth Project Coordinator of Qikiqtani began his remarks by offering two definitions of work which he described as “physical or mental effort directed towards a goal” and “the activity that serves as ones regular source of

livelihood.” Citing the scientific maxim of “work equals force multiplied by distance”, he said if you replace “force” with “physical and mental effort” and “distance” by “the impact on society”, you could see what he regarded as the essence of work. Work should be measured by its impact on society. He said the concept of work has become narrowed down over time so that now it just seems to refer to standard paid jobs.

He said too many people are dependent on nine-to-five work or else have to rely on government support. He said “The solution to this problem is to educate people to rely on other sources of livelihood.” Mr. Ellsworth spoke about traditional times when Inuit people were closer to life. He said nowadays many people are struggling to find the meaning of life but they’re always rushing around, preoccupied by earning money and seem to be running away from life.

He said that the key to success is working together and cooperating according to Inuit traditional ways. He said people shouldn’t be relegated to welfare because they don’t have formal credentials. There is more to life than jobs and there is more to education than learning arithmetic and history. “Education is learning the skills to survive in your environment.”

He said young people are getting organized and making opportunities for other youth and he described some of the projects initiated by the Youth Councils in Nunavut.

Mr. Ellsworth concluded by saying “I believe that one goal all of us share is to live, be happy and help others to be happy, and all we have to do to reach our goal is work—whatever work it is we do”.

Jochebed Avingaq, Executive Assistant to the CEO of Nunasi Corporation, said that one of the primary goals of the Nunasi Corporation was creating employment opportunities for its beneficial shareholders.

She commented that chronic unemployment continued to present a serious challenge in Nunavut. “The sense of hopelessness that comes with idleness continues to feed the fire of depression that contributes to high rates of suicide amongst our young people.”

She said “There is no doubt that education is the key to success. Our people must continue their education. We must find ways to re-engage our people so that will be able to have access to the opportunities that this new territory called Nunavut will present.”

Ms. Avingaq pointed out that there was a mismatch between the courses offered in educational and training institutions and the jobs available. She urged all those with vested interests to work together in partnership to fix the situation and “put our money where our mouths are”. She said that the private sector should get involved and work with government and education and training institutions to design and offer appropriate courses, apprenticeships and job opportunities to provide Nunavut with the skilled work force it needs.

Charlie Crow, Elder and former MLA for Sanikiluaq, began by thanking people of Sanikiluaq. He said that they did not see him as a blind person, but instead saw his capabilities and potential and had confidence in him. He mentioned that NIC had invited people with disabilities from all over Nunavut to attend the conference and he was glad to see that they were being involved.

He said that “When an Inuk is given an opportunity, he takes it”, and the people of Nunavut must take advantage of the opportunities that the creation of Nunavut offers.

Mr. Crow spoke of the Supremacy of God and the importance of faith and daily worship in helping people overcome the negative forces that keep people from achieving their goals. He said everything on Earth is here with a purpose.

Reading from a braille copy of *The Constitution Act 1967-1982*, he reminded participants that the *Canadian Charter of Rights and Freedoms* guarantees rights to men and women equally. Mr. Crow said that originally he opposed NIC’s gender parity proposal but he now supported it. He concluded by saying that it was important to hold hands and help each other and to treat men and women equally.

Lucassie Arragutainaq, Director of the Arctic Cooperatives Limited, talked about the role of the Co-ops in Nunavut. He spoke about the Inuit tradition of cooperation and said that people should not just be worrying about money all the time.

He emphasized the point that ordinary people own the Cooperatives. He said that some people feel if they don’t speak English or have a formal education, then they are not wanted, but that is not true. The Co-ops treat everyone as equals.

The Co-ops have been profitable for 35 years and have and helped people become self-reliant. Co-ops have facilitated many people’s adjustment to the work force. They have also helped many people understand financial matters better.

He said that it is important to be fair to everyone and said that businesses should be careful about engaging in competition that threatened the viability of other enterprises in the communities.

In conclusion Mr. Arragutainaq asked people to consider how the Co-ops would be affected in the future of Nunavut.

Elijah Erkloo, Elder and former MLA for Pond Inlet, spoke about education and the justice system.

Concerning education, he said that “we just gave our children away to the schools” in the expectation that they would become trained professionals like the Qallunaq. Things didn’t turn out that way and it caused a lot of problems but there seemed to be no alternative at the time. He said that maintaining the Inuit language and culture was very important and he urged people to teach their children traditional ways.

He said that people in Nunavut had to seize the initiative and not just wait for others to solve their problems. He also suggested that there be a ceiling on social assistance and that welfare recipients should be trained and taught new skills.

With respect to the justice system, he endorsed the practice of sending young offenders out on the land to be rehabilitated. But he asked why young people needed to commit a crime in Nunavut before they could be taught the traditional ways. He acknowledged the importance of formal education in getting a job in the modern economy but said Inuit could also be trained to work in the traditional economy and earn a living that way.

He stressed the value of the healing process and encouraged people to study their roots in order to grow stronger and become self-sufficient. He said “Once we are proud of our roots, we’ll be a better people.”

Martha Flaherty, President of Pauktuutit Inuit Women’s Association, talked about the women of Nunavut, who were working hard in the workplace and at home without much of a support system. She said men were having difficulties too and seemed kind of lost. She urged men and women to work together in the building of Nunavut.

She recalled attending a recent Inuit Studies Conference at which non-Inuit were demonstrating how to build an igloo and asked why the elders were not there. She said elders were the best qualified to teach traditional ways.

She said that the government of Nunavut had to be realigned to reflect the Inuit way of doing things. It was also very important that Inuktitut become the working language of Nunavut.

She said that youth and elders should not be left behind and that all the residents of Nunavut should be included in deciding their common future, not just the elected leadership. She added that, in building Nunavut, it was important to concentrate on those who were less fortunate and keep their needs in mind.

In conclusion, Ms. Flaherty said "If we work together as men and women, our problems can be resolved."

4.8 Socio-Economic Overview of Nunavut

Simon Awa, Executive Director of the Nunavut Implementation Commission, presented an overview of the current social and economic situation in Nunavut.

He said that in traditional times, making a living meant hunting and preparing food, making shelter, preparing skins for clothing, looking after children and elders and contributing to the social good of the community. In those times, work and life were indistinguishable. Today, work and making money are often separated from other aspects of family and community life.

He presented several charts and graphs with data on the current social and economic conditions in Nunavut. (The text of Mr. Awa's presentation is included in Appendix 6.) Nunavut has a birth rate double the national average, and very high rates of unemployment and social assistance. Although some people are still involved in traditional activities, half of the working population is employed by government.

Inuit have the lowest life expectancy of any aboriginal people, and there are serious problems with crowded housing conditions, substance abuse and suicide. Nunavut has a very small tax base and it is projected that the Nunavut government will be dependent on the federal government for 95 out of every 100 dollars of revenues.

Mr. Awa said he was sorry for raising issues that some people might find uncomfortable, but that the facts needed to be confronted.

4.9 Changing Patterns of Work

Mike McCracken, Chairman and Chief Executive Officer of Informetrica Limited, opened his presentation by saying that in the South, the system was not doing well in providing jobs for everyone who wanted one.

In the South, unemployment is high, especially among youth and people living in the remote areas, people are working longer hours, and families and communities are under strain.

He said the more education you had, the better your chances of having a job and the higher your income. He said that structure of the economy was changing, with a smaller public sector, a growing service sector, more jobs in small businesses and more people working in temporary or part-time jobs or being self-employed. He outlined some of the levers for change that could be used to increase productivity in the workplace, increase competitiveness in the market place and prosperity in society.

He concluded by saying that Nunavut is already experiencing the future and could teach Southerners some innovative ways to improve family and community life.

(Mr. McCracken's presentation was based on a background paper entitled "Changing Patterns of Work and Employment" which is included in Appendix 6).

4.10 Education, Training and Technology

Joe Enook was the moderator for this panel. He pointed out an important distinction between education and training and thanked Ann Hanson for introducing a new Inuktitut word for "technology."

Natsiq Alainga-Kango, Secretary-Treasurer of NTI, spoke about Nunavut in terms of it being like a home with everyone playing a role and working together—men, women, youth, elders, native and non-natives. She said that the federal government could also play a role, like that of grandparents.

She spoke about the need for Inuktitut education from kindergarten to grade 12, and said that elders had to be involved in developing the curriculum. She said that many Inuit have the ability to teach and that this talent had to be developed and utilized.

She talked about the inadequacy of the current education system, the lack of uniform standards among the schools in Nunavut communities and the practice of passing students even though they may not have actually achieved the required level of skills.

She said that there should be training in new technologies for elders as well as youth. She also called for a coordinated plan for on-the-job training in both government and private businesses.

She concluded by saying that in preparing for the future, “We should start at our roots, include all the people of Nunavut, treat everybody equally and begin the process of healing now”.

Jack Kupeuna, Construction Foreman, began his remarks by saying “Not everyone can be a university graduate” and there should be other alternatives available to people who did not go on to college. He said “What does it take to become a trained trades-person? All it takes is opportunity. It is important that everyone be a useful person, the price of not doing this is high in terms of depressed persons.” He urged leaders to make sure that many different kinds of opportunities were available.

Speaking from his experience as foreman of a construction site in Iqaluit, Mr. Kupeuna said he often had to import people to do the job, because there is a serious shortage of trained trades-people in Nunavut. He said that a lot of young people do not feel comfortable going away to the trade school in Fort Smith and there should be a trade school closer to home in Nunavut.

Joe Attagutaluk, Chairman of the Baffin Divisional Board of Education, recalled a trip he took in his youth from Igloolik to Arviat by dog team. He said he learned a lot and he and his companions were very proud of themselves. Until then, most of his education was in the formal school system.

Referring to Elijah Erkloo’s comment, he said that although the Inuit loved their children they had been intimidated by the Qallunaq and just gave their children to the English establishment. Now, he said, we recognize our need to learn our traditions but we have to figure out how to teach those traditions and develop an appropriate curriculum using the knowledge of the elders. He agreed that plans should also be made for those who can’t enter college.

Mr. Attagutaluk said parents needed to teach their children too and become more involved in their children’s education both at home and in the schools. “We don’t tell our children enough ‘I love you’. If they are loved, they’ll work harder and succeed in school.” He said people have to start to solve their own problems in order to create a healthier environment for their children to grow up in.

George Berthe, Executive Assistant to the 2nd Vice President of Makivik Corporation, began by saying people were very stressed out by the pace of their lives and needed to assert their priorities with respect to family and community life.

He asked people to consider where they wanted to go in the long term. He said if people had a vision of an Inuit-run government in Nunavut, they had to grab the

opportunities. He said Inuit were very capable—“our brains are not smaller.” He spoke about technology saying that it was not necessarily something new, Inuit had innate technical abilities which they had used effectively in building kayaks and igloos. These same talents could be utilized in developing and using modern technologies.

He said everyone can be educated, not just youth. People have to take the initiative and go after what they want. “It can be stressful and uncomfortable sometimes, but you have to make a sacrifice to get what you want.”

T. Bert Rose, Director of Human Resource Development and Training for the NIC, told the audience that although he was a teacher by profession, he felt he had been educated by the Inuit for 28 years.

He said education is a life-long process. However, training can take a long or short time and can take place in a number of different ways. He remarked that although technology could facilitate learning, it was important to remember that “people learn from people, not machines.”

He concluded by saying that the progress he had witnessed in Nunavut was “simply staggering.” He said the Inuit have the ability to take the best of technology and apply it and he urged people to consider taking the next step with respect to new technology by learning to fix it, create it and invent it.

4.11 Wrap-up for the Day

Mary Simon summarized some of the ideas touched upon throughout the day. She talked about the importance of Inuit language and culture and the traditional values of equality and cooperation. She commented on the vital role that the Cooperatives had played in creating employment and representing Inuit interests.

She also referred to the social and economic problems facing Nunavut. She said “We used to think if we had self-government, our problems would disappear. We have a chance to take hold of our lives and we can’t blame anybody but ourselves if things go wrong at implementation.” In conclusion Ms. Simon said “We should not be saying ‘maybe we can do it, but we CAN do it’.”

4.12 Summary of Previous Day's Proceedings

Clara O’Gorman, Commissioner of the Nunavut Implementation Commission, said that the issues raised at the conference had generated a lot of interest. She stated that she and Peter Ernerk would not be providing a summary of the previous day’s proceedings in order to make more time available for people in the communities to express their views.

4.13 Making the Vision Come Alive

The Honourable Goo Arlooktoo, Deputy Premier of GNWT, began his presentation by reminding people that there were only 758 days left until the birth of Nunavut. He indicated that the GNWT was committed to the spirit and intent of article 23 of the Nunavut Final Agreement which has representative levels of Inuit employment as its ultimate goal. He spoke of the close partnership that had been formed with NTI, the Nunavut Implementation Training Committee, and the federal government and reported on progress with respect to the Inuit employment plans that have been developed for the public service. He talked about the *Nunavut Unified Human Resources Development Strategy* which had identified new initiatives in addition to building on existing training programs. He also mentioned the work of Nunavut Arctic College and the Sivuliuqtit program which is currently providing management training for forty four participants from Nunavut.

He said that in the short to medium term training is the key issue. “Before we can take on innovative approaches such as job sharing, we need to make sure we have enough qualified candidates.” He said “I believe that all work in Nunavut must continue to reflect Inuit values but also to face the realities of the 21st Century... workers will also need the other values that are required in a modern society, such as punctuality, loyalty, honesty, and ambition.”

Mr. Arlooktoo ended his presentation by saying “I hope that all workers in Nunavut keep in mind the reason for the work in the first place—we are there to help everyone in our land. If this happens, Nunavut will then be an even richer place to live and raise our families.”

Laura Gauthier, Manager of Policy Development and Research of NTI, reviewed some of the themes that had emerged throughout the conference. She reiterated the importance of Inuit culture, ideas, philosophy and tools in daily life, and spoke about the need for empowerment and instilling a feeling of pride and ownership in people.

She said it was critical that both elders and youth were involved in building Nunavut. She commented that there seemed to be general agreement that Inuktitut should be the working language of Nunavut and that there should be an aggressive program of Inuktitut instruction. At the same time she said there was a need for Nunavut to be a fully bilingual society.

She talked about maximizing Inuit employment in Nunavut and stimulating economic development and job creation. She also stressed the value of training and bringing opportunities closer to home. She said “We have to take the initiative to get to where we want to go. In order to understand where you want to go, you have to understand where you’ve been, that’s why there is so much emphasis on traditional values.”

Ms. Gauthier said the current situation reminded her of a scene from her child’s favourite movie, *The Lion King*. As Simba the young lion said, “I know what I have to do—but it won’t be easy.” She said that building Nunavut would certainly not be easy but “The time to act is now... we have to address people’s fears, concerns and expectations head on.”

She ended her presentation by urging people to get involved, even if only to stay informed, “After all, this is our shared vision for self-determination.”

Francine Gauthier-Jones, Aboriginal Workforce Participation Initiative, Department of Indian and Northern Affairs Canada spoke about the accomplishments of the *Nunavut Unified Human Resources Development Strategy*. She said that while much had been achieved, there was still a great deal of work to do.

Ms. Gauthier-Jones suggested that the key to success was continued commitment and cooperation among the parties. “We need to move towards a broader more comprehensive approach to labour force development; one reflecting a common vision for all the players involved in training and employment... We have the tools at our disposal —individually, we can each do our little bit—however, together as partners we can accomplish much more.”

Davidee Arnakak, of Pangnirtung spoke about the barriers facing people with disabilities and their efforts to form a volunteer organization to address their common concerns. He suggested a new word in Inuktitut to describe people with disabilities. He said that “even though we are handicapped, that does not mean that we are not capable.” People with disabilities have many skills to offer in building Nunavut and they want to be fully involved.

4.14 Closing Remarks

John Amagoalik began his closing remarks by thanking Abraham Tagalik for the excellent job he had done as host for the conference broadcast. He also thanked the sponsors and organizers who had made the conference possible.

He then talked about the many ideas he had heard at the conference and said that they wouldn't be forgotten; they would be referred to often in the process of implementing Nunavut.

He went on to speak about the need to revive Inuit values and culture. He said "No one wants to just repeat the rat race and the dog-eat-dog world that seems too easily accepted in the South. Perhaps what is wrong with the world is that there are too many people who behave like rats and dogs. Humans were meant to rise above this sort of thing." He also said "We have to have confidence in ourselves; we have a contribution to make to our neighbours in this global village."

With respect to telecommunications, he recognized the hard work of the technicians involved in the conference, but he challenged NorthwesTel to improve the infrastructure in Nunavut or leave the field to some other service provider.

He remarked that listening to the young people had a great emotional impact on him. He said he felt more comfortable because it was evident that they had their heads screwed on right and he expected that a lot of other capable youth would be coming forward in the future.

In her closing remarks, **Mary Simon** thanked everyone for their participation in the conference. She said that the conference had demonstrated the potential advantages of using telecommunications to involve remote communities and ordinary people in meetings and consultations. She said that using this approach in the future could save money and make people's lives a lot easier since they wouldn't have to travel all the time.

She spoke of the importance of people taking control of their own destiny and charting their own course in Nunavut. She remarked that Inuit have often been intimidated by non-natives and have stood by and let them run things. However, people had to say no to this and empower themselves. She said the ability to say "no" has to be utilized.

She thanked Davidee Arnakak for providing an appropriate Inuktitut word for "disability" and said that she would be leaving Iqaluit with a much better understanding of the concerns of people with disabilities. Ms. Simon reiterated her

support for the idea of gender parity in the Nunavut legislature and said that while there was a lack of consensus on the issue, it would be necessary for men and woman to work together to have a functional government.

She thanked the Inuktitut and American Sign Language interpreters for making it possible for everyone to participate in the discussions, regardless of language or disability. She ended her remarks by thanking the conference organizers.

In his concluding comments, **Jose Kusugak** said "I think this is not the ending; I think it's just the beginning... a stepping stone to what's going to be happening in the future." He commented that "Visually impaired persons can see better than some of us because they have the vision and the ideas" and he said everyone must be involved in making the vision of Nunavut a reality.

4.15 Closing Ceremonies

Joe Kilabuk, a youth from Pangnirtung closed the conference proceedings by putting out the Qulliq.

5.0 Summary of Major Themes in Discussions

More than half of the conference broadcast was devoted to hearing from discussion groups in the communities and at the conference site, as well as from individuals in the viewing audience. The comments from participants reflected a wide variety of perspectives and were both interesting and constructive. It is not possible in a written summary to capture the richness of the discussion. To get a full account of the comments made by conference participants, people are encouraged to watch the videotape which is the official record of proceedings. The following people made reports to the plenary sessions from their community discussion groups:

Iqaluit—**Anne Hanson**

Iglolik—**Aime Panimera, Ike Ungalaq, Johnnie Iyerak, Joe Iyerak and Peter Ivalu**

Grise Fiord—**Meeka Kiguktak and Jaypeetee Akeeagok**

Rankin Inlet—**John Hickes, Theresie Tungilik and Thomas Tiktak**

Baker Lake—**William Noah and Thomas Kudloo**

Repulse Bay—**John Kaunak and Peter Katorka**

Cambridge Bay—**Wilf Wilcox, Michelle Gillis and John Lyall Sr.**

Taloyoak—**Dennis Lyall** and **Jimmy Oleekatalik**
Gjoa Haven—**Peter Akkikungnaq** and **Gideon Qitsualik**

During the plenary broadcast, comments were provided by **Natsiq Alaing-Kango**, **Mary Jonah**, **Henry Defer**, **Susan Enuaraq**, **James Eetoolook**, **Larry Audlaluk**, **Rosalie Pissuk**, **Peter Kritaqlilik**, **Raymond Ningeocheak**, **Pitsi** from Yellowknife and **Ms. Bruce** from Coral Harbour.

Written comments were received from **Roberta Mark**, **Frank Pearce**, **Simon Takkiruuq** and an **anonymous individual** in Repulse Bay.

In their comments in the plenary sessions, people elaborated on the ideas put forward in presentations and in their discussion groups. They also commented on the views expressed by other groups. Out of this dialogue, which ran over three days, there emerged a number of major themes. Since the level of consensus was high, discussions have been summarized by theme to avoid repetition and to highlight areas of common concern. The summaries below are based on oral and written reports from the nine community discussion groups as well as comments from other participants at the Iqaluit site or in the viewing audience.

The themes discussed below are:

- Language, culture and traditional values;
- Education;
- Labour force development and training;
- Human resource management practices;
- Creating employment and economic development;
- Children, youth, and elders;
- Gender equality;
- Disability issues;
- Social and economic issues;
- Administration of justice;
- Telecommunications and information technology; and,
- Community participation.

5.1 Language, Culture and Traditional Values

The role of Inuit language and culture in Nunavut society was a dominant theme that pervaded much of the discussion of other issues. People regarded the preservation of language, culture, and tradition as a key to the success of Nunavut in both social and economic terms. Participants thought it was essential that Nunavut be built in a way that reflected the fundamental values of its residents.

The creation of Nunavut was seen as a chance for people to shape institutions to their own style. Elders expressed regret about the loss of Inuit language and tradition and stressed the importance of returning to cultural roots to build confidence and self esteem. Youth, in turn, expressed a strong desire to learn traditional ways. People called for elders to become teachers, mentors and role models and to provide counseling and guidance to parents and children.

Many people saw the loss of a strong Inuit identity as the primary cause of social problems such as alcoholism, suicide and crime. They expressed the view that revitalizing language, culture and values would facilitate the healing process in communities.

Traditional values of co-operation and sharing were referred to frequently as a strength to be nurtured and maintained. Petty jealousies and infighting were mentioned as potentially significant obstacles to progress. Basic equality between men and women and respect for all members of the community were also cited as important values to be reflected in Nunavut.

People expressed the view that traditional knowledge about the environment, survival skills and the innate technological abilities of Inuit should receive more respect and recognition from Inuit and non-Inuit alike. Outpost camps were suggested as an excellent way to teach these skills and to reinforce Inuit identity. Although people focused on the importance of Inuit tradition they often mentioned that Inuit and non-Inuit should work hand-in-hand and that the rights of all residents should be respected.

People spoke of the valuable contribution that traditional economic activities like hunting, sewing and carving made to communities and wanted to see these activities supported and encouraged as viable sources of livelihood.

Many people also expressed concern that unilingual Inuktitut speakers were being left behind in Nunavut. There was widespread support for revitalizing Inuktitut and ensuring it becomes the working language of Nunavut. At the same time there was

general consensus that Nunavut should be a bilingual society in order to take advantage of the opportunities offered by modern economy.

5.2 Education

Many people spoke about the importance of education in preparing individuals to contribute to Nunavut society. There was general agreement that Inuktitut and Inuit culture and tradition should be taught in the schools. It was considered essential that work begin immediately on implementing a curriculum for children in kindergarten through grade 12, designed “for and by Inuit.” It was proposed that the curriculum could build on existing material and consideration should be given to including things like traditional games and sports and learning survival skills in outpost camps. Participants frequently mentioned elders as a resource for teaching young people. It was suggested that a lot of Inuit had the ability to teach and that there ought to be many more Inuit teachers in the system.

Although several people remarked on the amount of progress that had been achieved in the education system since the days when children were sent to residential schools, many were concerned about low standards and inconsistency in the quality of education across Nunavut. People wanted to see high quality education close to home (for example, schools should go up to grade 9 in the smaller communities, rather than grade 7). One group suggested that there should be more emphasis on teaching health promotion. Adequate transportation for people with disabilities and bussing for children was also mentioned.

People generally felt that it was very important that children stay in school to get a basic education and learn to read and write both Inuktitut and English. Many people commented on the need for parents to get more involved in their children's education, by visiting the schools, asking questions and insisting on higher teaching standards. People also thought it was important for parents to provide a supportive learning environment at home and to give their children more love and encouragement. Families and teachers were urged to work together to improve the education system in Nunavut.

Participants generally recognized that post secondary education was necessary for Inuit to become qualified professionals (doctors, accountants, etc.). At the same time people thought it was important to make plans and provide alternatives for those who did not want to go to college or university.

People also spoke about learning as a lifelong process. Formal schooling and traditional learning were both considered to be essential elements in educating people to be productive members of Nunavut society. The common view was that people should have choices available to them and that all forms of knowledge should be respected.

5.3 Labour Force Development and Training

Labour force development and training were major topics of discussion among participants. There was a considerable degree of consensus that Nunavut had to become self-sustaining and rely less on workers from the South. People thought that Nunavut should have its own managers, business people, doctors, teachers, accountants, scientists, engineers, technicians and trained carpenters, plumbers, electricians, mechanics, cooks, pilots and so on. In order to achieve this, more children needed to stay in school to complete their basic education and keep their career options open. One group suggested that schools have career days to give students a better idea of what different occupations entailed.

The government, the private sector and training institutions were urged to work in partnership to ensure an effective match between training and jobs. People wanted to see more training occur in Nunavut with more on-the-job training, apprenticeship, and mentoring programs. Training in the use of new technology was considered important for everyone, youth and elders alike.

Many people expressed support for the idea of establishing a trade school in Nunavut. They also wanted to see more emphasis on hiring based on ability and experience rather than solely on education and credentials. More training for work in the resource sector (for example, mining and fishing) was also suggested. Several people mentioned that training in financial management and entrepreneurship would help more Inuit to establish and operate their own businesses.

There was also strong support for training in traditional hunting and survival skills, as well as in arts and crafts. The idea of a Nunavut Job Corps was supported by the comments of people who saw training and community service as an attractive alternative to having people remain idle and dependent on welfare.

People acknowledged that a great deal of training was occurring in Nunavut as part of the *Nunavut Unified Human Resources Development Strategy*. However, many felt that the focus should be expanded beyond public sector training to include the private sector and the traditional economy as well as community development and

infrastructure. It was clear from participant's comments that they were interested in obtaining more information on what was happening in the area of training and labour force development.

5.4 Human Resource Management Practices

A number of speakers commented on human resource management practices. They recalled the days when Inuit workers would be fired for leaving their jobs to go hunting and remarked that the standard 9-to-5 job which had been introduced by Southerners was never really appropriate for Nunavut. A number suggested that more consideration be given to job sharing and adjusting work hours to accommodate the patterns of life in Inuit communities. One group suggested that there should be child care facilities in the workplace.

Generally speaking, people wanted to see a workplace that reflected and respected Inuit language, culture and traditional values. Some individuals mentioned that Inuit workers were often under-valued and under-utilized in the workplace. They reported that Inuit employees received disparaging comments from managers and fellow workers who inferred that their only qualification was that they were Inuit. One person suggested that managers make more effort to train, motivate, challenge and coach new employees since workers who are feeling self-confident and empowered are happier and more productive.

It was pointed out that affirmative action doesn't mean Southerners will be thrown out of work when Nunavut is established.

5.5 Creating Employment and Economic Development

The high unemployment rate and lack of job opportunities in Nunavut, particularly in the more remote communities, were a major concern. Some people expressed disappointment that the planned allocation of government jobs in Nunavut did not include some of the smaller communities. Better advertising of job opportunities and the creation of a job bank were proposed to help people find the work that is currently available.

It was generally agreed that many new jobs would have to be created to meet the needs of the rapidly growing population. Given the serious job shortage, people thought that Nunavut residents should have priority in hiring in the public sector. There was general consensus that the public sector could not generate enough jobs

and that the private sector would be a very critical element in the economy of the future. People also thought there could be more work created in the areas of tourism, environmental protection and natural resource development.

Several people commented on the difficulties associated operating small businesses in Nunavut. High rents, high taxes, the high cost of insurance and construction bonds, difficulties in obtaining capital, and bureaucratic red tape were all identified as significant barriers to the growth of small business.

The idea that hunting was a highly skilled and demanding occupation was widely endorsed. Participants agreed that more effort should be made to generate employment based on the traditional economy. Several people proposed that jobs could be created in preparing and trading country foods, and preparing skins and making traditional clothing. Traditional arts and crafts, like print making, carving and sewing, were seen as a potential source of income for more people in Nunavut. It was suggested that art and sewing centres and a major sales outlet for Inuit art be established in Nunavut. A number of participants referred to the potential for developing a larger export market outside Canada as a way to generate more income in Nunavut.

Several people expressed concern that unilingual Inuktitut speakers were severely disadvantaged in the current job market. Participants often commended the Co-ops for their role in creating employment, and supporting and encouraging people to participate in the local economy. Co-ops were seen as playing a key role in the economy both in terms of generating jobs and in facilitating workers' transition into the paid work force.

Although much of the discussion revolved around paid work, there was clear recognition that a lot of valuable work was either unpaid or undervalued in the modern economy. There was strong support for the idea of providing remuneration for work that benefited the community, whether it be hunting, care giving or community service.

5.6 Children, Youth and Elders

One of the underlying themes of the conference was strengthening relationships between the generations in Nunavut. Several people suggested that the erosion of the Inuit language and the imposition of the formal education system had contributed to a painful gap between generations. In order to repair the damage, children and youth needed to understand and respect the wisdom of the elders.

Parents needed to give more love, support and encouragement to their children. And for their part, the elders needed to become more involved in teaching and guiding younger generations.

Many people mentioned how impressed they were with the youth presence and how inspired they were by the words of the elders. The general view was that for Nunavut to succeed, everyone would have to work together, each contributing in their own way.

5.7 Gender Equality

The issue of gender equality was raised frequently in discussions. Many people mentioned the important role women played in society and stated that men and women had had to be mutually dependent in order to survive in traditional times. They also recognized that the current social and economic situation in Nunavut was causing a lot of strain for both men and women.

People endorsed the notion of fundamental equality in both legal and religious terms. Many spoke in support of the NIC proposal for gender parity in the legislature but there was no consensus on this issue. Some individuals objected to the cost of the May 26, 1997, plebiscite on gender parity.

There was, however, general agreement that men and women should work together since each had something unique to contribute to the building of Nunavut.

5.8 Disability Issues

The conference involved people with disabilities to an unprecedented extent. People with disabilities were very generous in their expressions of appreciation to NIC for inviting them to participate in the conference and were especially pleased to have had access to conference materials in alternative formats.

People with disabilities said that they wanted to be fully involved in the building of Nunavut. They spoke of some of the barriers that currently exist but also shared inspiring accounts of overcoming adversity with the support of their families and communities.

Participants made several concrete suggestions for improving the situation of people with disabilities including the development of Inuktitut open captioning, making more material available in braille, teaching American Sign Language, making buildings fully accessible and providing adequate transportation services.

The views of people with disabilities were very well received. Participants recognized that people with disabilities make a unique and valuable contribution to society. The general consensus was that every effort should be made to ensure that people with disabilities are not left behind as Nunavut proceeds.

5.9 Social and Economic Issues

Social and economic conditions in Nunavut were mentioned frequently in discussions. People felt that the social fabric of community life was under severe strain due to loss of traditional culture and the constant pressure to earn enough money to survive in the modern economy. A number of social problems, including suicide, depression, and alcoholism, were attributed to the loss of self-esteem among Inuit people and the lack of meaningful work for people to do. Many people suggested that community wellness programs and traditional healing circles were essential tools for restoring pride and self-worth.

The high cost of living, particularly with respect to housing, was also considered to be a serious problem even for those who were employed. Some people expressed concern about large disparities in income and low wages that did not adequately reflect the value of the work being performed.

A debilitating lack of confidence was seen as preventing people from making the most of available opportunities and creating and implementing new initiatives. Several people expressed the view that there was too much dependency on social assistance and proposed that the current social assistance program be used to train people and put them to work in the community. Many participants also thought that income support should be provided to people involved in traditional activities like hunting, carving and sewing. People doing other socially valuable work like caring for children and dependent adults should also be recognized and supported.

5.10 Administration of Justice

The administration of justice was mentioned frequently by conference participants. People expressed the view that unemployment, poverty and the erosion of Inuit culture and identity were the underlying causes of high crime rates, particularly among young people.

Sending people to correctional institutions was regarded as a failure since offenders learn nothing there to equip them for life in the communities. Teaching traditional

skills in outpost camps was seen as one way to build the self-esteem of Inuit youth and to help them become fully productive members of Nunavut society.

Several people suggested that traditional laws could be used to help deal with minor offences in communities. Healing circles and outpost camps were widely supported as the best approach to preventing crime and rehabilitating young offenders.

5.11 Telecommunications and Information Technology

Many people expressed pride and amazement at the level of sophistication of the information technology used at the conference. Although people were frustrated by the inadequacy of the current communications infrastructure in Nunavut, they were remarkably patient about glitches which occurred during the conference. Several participants commented on how quickly technology had been adopted in Nunavut since the days when people did not have access to even the most basic equipment like telephones and fax machines.

Conference participants were impressed by the potential of telecommunications and information technologies to facilitate distance participation and to reduce barriers associated with language and disability. They also recognized their potential to create new jobs. Consequently people thought it was important for Nunavut residents to be provided with relevant training and access to new technologies.

People did not see telecommunications as a complete substitute for face-to-face contact but saw its value as a cost-effective way to increase participation and improve the efficiency of public and private sector organizations.

5.12 Community Participation

Participants in the smaller communities invariably expressed appreciation for being invited to participate in the conference. They were happy to see the discussion being opened up to more isolated communities and to "ordinary people." People stressed the importance of including the communities in the important decisions affecting them.

A number of community representatives mentioned the Community Empowerment Initiative currently underway in the NWT that is designed to transfer funds and decision-making to the community. They voiced concerns about reduced funding levels and limits on the scope and flexibility of local decision making.

Participants in the communities declared that they were ready, willing and able to get more involved in charting Nunavut's future. They wanted both governments and Inuit organizations to keep them fully informed about what was going on and to provide them with more opportunities to make their views known.

6.0 Observations and Recommendations

6.1 Observations

One of the most striking features of the conference was the level of positive energy generated over the three days of proceedings. The residents of Nunavut are facing tremendous challenges in terms of work and the quality of life in the new territory. Yet the views expressed were overwhelming optimistic. People were very aware of the difficulties that Nunavut must confront but they were committed to resolving them.

Rancour and bitterness were notably absent at this conference. People reiterated time and again that the future was now in their hands and they were determined to make Nunavut work. The conference was the first step in defining Nunavut's social and economic goals. If the dialogue continues with the same goodwill that was evident at this initial conference, people's vision of a healthy and prosperous society in Nunavut has an excellent chance of becoming a reality.

6.2 Recommendations from Conference Participants

The following are some of the main recommendations from participants at the conference.

Language, culture and traditional values

- Inuktitut should be the working language of the Nunavut government.
- Nunavut should be a fully bilingual society.
- Inuit culture and traditional values should be reflected in the institutions, policies, and programs of the Nunavut Government and in the workplace.

Education

- Inuktitut language and Inuit culture should be taught from kindergarten to grade 12.
- The development of an Inuit curriculum should begin immediately, using the knowledge of the elders.
- Elders should be utilized to teach traditional skills both in schools and in outpost camps.
- Higher priority should be given to collecting existing resource materials on Inuit language and culture and preparing new materials including written documents, a dictionary, audiotapes, and videotapes.
- More Inuit teachers should be trained and employed in the school system.
- Standards in the schools should be improved and applied consistently throughout Nunavut.
- Health promotion should be taught in the schools.
- Parents should be more involved in their children's education and provide a supportive environment at home.

Labour force development and training

- Governments, the private sector and education and training institutions should develop a coordinated strategy for labour force development and training.
- There should be a trade school established in Nunavut.
- Training in financial management and entrepreneurship should be provided.
- Training in the use of new technologies should be provided to all Nunavut residents, regardless of their age.
- More effort should be directed to developing the innate technical, engineering and design skills of Inuit.

Human resource management practices

- Employers in Nunavut should make a genuine commitment to affirmative action and give more recognition and encouragement to Inuit employees.
- Employers should provide more opportunities for job sharing, part time and seasonal work as well as flexible hours.
- Day care should be provided in workplaces in the public and private sectors.

Creating employment and economic development

- A Nunavut Jobs Corps should be established to employ youth in community development and infrastructure projects.
- The role of Co-ops in employing and training people should be recognized and Co-ops should play role in labour force development.
- More employment opportunities should be made available for persons who are unilingual Inuktitut speakers.
- A major effort should be undertaken to develop employment opportunities in the traditional economy.
- More attention should be given to creating employment in tourism, environmental protection and natural resource development.
- More effort should be directed to developing export markets for goods and services produced in Nunavut.
- Hunting should be recognized as a full time occupation.

Gender equality

- Whether or not there is gender parity in the Nunavut legislature, men and women should be treated equally and should work together as partners in building Nunavut.

Disability issues

- People with disabilities should participate fully in the development of Nunavut.
- Barriers to the participation of people with disabilities in school, work and community life should be eliminated.
- The Nunavut government should endeavor to make its information and facilities fully accessible to people with disabilities.
- An Inuktitut open captioning system should be developed to assist Inuktitut speakers who are deaf or hard of hearing.
- In future, all conferences in Nunavut should be made accessible to people with disabilities.

Social and economic issues

- Healing circles should be supported as an effective way of addressing problems related to substance abuse, family violence, crime and suicide.
- Elders should be more involved in providing counseling and guidance to younger people in schools and outpost camps.

- People on social assistance should be required to take training or perform work in the community.
- Income support should be provided to hunters, carvers, sewers and others doing socially valuable work in the community.

Administration of justice

- Traditional laws and dispute resolution mechanisms should be used to deal with summary offences in communities.
- Outpost camps should be utilized to rehabilitate young offenders.

Telecommunications and Information Technology

- The telecommunications infrastructure should be upgraded to provide Nunavut residents with access to new education, training, and employment opportunities.

Community participation

- Telecommunications should be utilized to involve communities and ordinary people in consultations regarding the issues that affect them.
- Working groups should be formed in the communities to follow up on the matters discussed at the conference.

6.3 Proposals for Follow-up

The Nunavut Implementation Commission offers the following proposals to address the issues raised at *The Future of Work in Nunavut Conference*:

- A process for facilitating further consultation on a social and economic agenda for Nunavut should be initiated in the communities.
- A conference to focus on what policies and programs should be introduced to implement a new social and economic agenda for Nunavut should be organised.
- The human resource development planning exercise that is currently underway should be expanded to include a broader definition of work, including work in the traditional economy, business development, care-giving and community service.
- The Nunavut Jobs Corps should be funded on a priority basis.

- A communications plan for publicizing the opportunities available through the *Nunavut Unified Human Resource Development Strategy* should be developed by the parties involved.
- A conference on issues related to the concerns of people with disabilities should be organized.
- A survey to determine the nature and extent of disabilities in the Nunavut population should be undertaken.
- The federal government, the territorial government and the Nunavut Tunngavik Inc. should convene a conference aimed at developing a societal consensus on a language policy for Nunavut.
- The federal government, the territorial government, Inuit organizations and the private sector should collaborate on the design of a comprehensive telecommunications strategy that will continue to meet the evolving communications and information technologies needs of the Nunavut Territory.
- Community Teleservice Centres should be established in each community in Nunavut to develop awareness of the benefits and uses of Information Technologies and to support training, job creation and economic development. Such centres should be accessible to people with disabilities.

Appendix 1

LIST OF PARTICIPANTS

The list of participants has been assembled on the basis of formal registration at the Iqaluit site and in the communities. We regret any names that may have been omitted or misspelled.

COMMUNITIES

BAKER LAKE

Thomas Kudloo—

Facilitator

Edward Ivo

Martin Kreelak

Michael Mautarinaaq

Simeon Mikkunguaq

William Noah

Solomie Potogook

David Simailak

CAMBRIDGE BAY

Paul Emingak—

Facilitator

Vivienne Aknavigak

Pat File

Michelle Gillis

Lyle Hawkins

Bernice Lyall

John Lyall, Sr.

Moses Koihok

Adelaide Maghagak

Dianne Mala

Jimmy Maniyongina

Neil Pascal

GJOA HAVEN

Peter Akkikungnaq—

Facilitator

Simona Akkikunuaq

Jonathon Hiqiniq

Mary Kamookak

Moses Nargyk

Veronica Okpik

Ben Porter, Sr.

Wally Porter

Jimmy Qirqqut

Mali Siutinnuaq

Nelson Takkiruq

GRISE FIORD

Meeka Kiguktak—

Facilitator

David Akeeagok

Jaypeetee Akeeagok

Ragilee Attagootak

Laisa Audlaluk

David Kalluk

Leah Kalluk

Martha Kiguktak

Annie Pijamini

Jimmy Qappik

IGLOOLIK

Joe Iyerak—

Facilitator

Rebecca Awa

Maurice Arnatsiaq

Nick Arnatsiaq

Germaine Immaroitok

Julie Ivalu

Pieta Ivalu

Johnny Iyerak

Moses Kalliraq

Annie Kappianaq

Malaya Kublu

Sak Kunnuk

Guy Makkik

Aime Panimera

Ike Ungalaq

IQALUIT

Eva Adams—

Facilitator

Alain Carrière

Okalik Curley

Raurri Ellsworth

Geela Giroux

Ann Meekitjuk Hanson

Carmen Kilukishak

Okpik Pitseolak

Nash Sagiatook
Tom Sammurtok
Mary Ellen Thomas

RANKIN INLET

Thomas Tiktak—
Facilitator
Theresie Tungalik
Betty Autut
Bernadette Dean
John Hicke
Marion Love
Bette Palfrey
William Palvialuk
Nicole Sikma
Deborah Tagornak
Annie Tattuinee
Larry Ussak

REPULSE BAY

John Kaunak—
Facilitator
John Arnatsiaq
Earl Dean
Moses Ignardjuk
Peter Katokra
Paul Mablick
Tommy Mablick
Joseph Mapsalak
Monica Mapsalak
Harry Oksokitok
Belinda Tinashlu

TALOYOAK

Jimmy Oleekatalik—
Facilitator
Jesse Idlout
Dennis Lyall
Sandra Lyall

John Mannilaq
Noah Nashauraitook
Mona Pauloosie
Peter Peetooloot
Adam Totalik

MAIN SITE

Catherine Acomba
Senator Willie Adams
Jimmy Sandy Akavak
Natsiq Alainga-Kango
John Amagoalik
Randy Ames
Linda Archibald
Honourable Goo Arlooktoo
Jimmy Arlooktoo
Davidee Arnakak
Lizzie Mary Amakak
Lucassie Arragutainaq
Lazarus Arreak
Maggie Atagooyuk
Joe Attagutaluk
Larry A Audlaluk
Jochebed Avingaq
Simon Awa
Sharlyn Ayotte
Lydia Bardak
Gary Barnes
George Berthe
Dino Birmingham
Seva Boaz
John Borkovic
Thérèse Boudrais
Jackie Callen
Gilles de Chantal
Sylvia Cloutier
R. J. (Rick) Connors
Chris Coté
Luc Courtemanche

Charlie Crow
Billy Curley
Derek Cutler
Elisapi Davidee
Evelyn Dean
Henry J. Defer
Ragilee Defer
Diane Dilbey
John Dingwell
Danielle Dumas
James Eetoolook
Kooyoo Ejetsiak
Wendy Ellis
Joe Enook
Celestin Erkidjuk
Leonie Erkidjuk
Elijah Erkloo
Peter Ernerk
Peter Field
Martha Flaherty
Susan Ford
Marcel Fortier
Ian Fraser
Whit Fraser
Dan Fudge
Kelly Gallagher-McKay
Laura Gauthier
Francine Gauthier-Jones
Bobby Gunn
Bonita Hester
Murray Horn
Bernie Hughes
Murrie Hurley
Leah Idlout-Paulson
Oqqi Inutiq
Sandra Inutiq
Ineak Ipeelie
Peter Ittinuar
Lynn Jamieson
Vergnaud Jerome
Akeeshoo Joamie

A. J. Johnson
Mary Jonah
Paul Kaludjak
Eeta Kanayuk
David Kaniak
Brenda Kilabuk
Joe Kilabuk
Meeka Kilabuk
Jim Klassen
Sheila Knowlton-MacRury
Ben Kovic
Iga Kownirk
Lizzie Kownirk
Mary Ann Kownirk
Peter Kritaqliluk
Evie Kunuk
Joe Kunuk
Methusalah Kunuk
Jack Kupeuna
Jose Kusugak
Lise Labonté
Barry Lange

Hugh Lloyd
Marilyn Lumsden
Pat Lyall
Israel Mablic
Lorraine MacCormick
Ken MacRury
Roberta Mark
Michael McCracken
Ed Mckenna
Randy Miller
Ross Mrazek
Bob Murphy
Angela Naus
Raymond Ningeocheak
Billy Nuyalia
Clara O'Gorman
Abe Okpik
Jimi Onalik
Greg O'Neill
Todd Philips
Rosalie Pissuk
Deborah Price
Nancy Qamonaniq

Leena Qigutaq
John Quirke
George Quiviq Qulaut
Michael Roberts
Joanne Rose
Ron Ryan
Carla St. Louis
Ambassador Mary Simon
Pamela Sloan
Heather Sutherland
Andrew Tagak
Patrick Tagoona
Kono Tattuinee
Lorraine Thomas
Martha C. Tiglik
Ken Todd
Katherine Trumper
Harry Tulugak
Marius Tungilik
Senator Charlie Watt
Sheila Watt-Cloutier
Judy Watts



Appendix 2

CHAPTER 4—FOOTPRINTS 2

Editor's Note: Numbering of sections in this Appendix correspond with the original document. They do not refer to any sections in this report.

Chapter 4. New Approaches to Work

4.1 Background

(a) Demographics

The Nunavut population is young. The GNWT Bureau of Statistics' 1994 *NWT Labour Force Survey* identified 14,404 residents of Nunavut as 15 years of age or older, 80% (11,712) of whom are Inuit. The 15 to 24 year age group represents 29% (4,256) of the 15 years of age and older group; the 25 to 44 age group, 49% (7,062); the 45 to 64 age group, 18% (2,638); and the 65 years of age and up, 3% (448).

The 15 to 44 age group represents 79% (11,318) of the Nunavut population over 15 years of age (of which 82%—9,253—are Inuit). The 15 to 44 age group is 79% (11,712) of the Inuit population that is 15 years and older. It is the 15 to 44 year old age group that will form the core labour pool for the Nunavut Government.

(b) Projected Nunavut Public Sector Employment

Nunavut is likely to result in the addition of 624 new Nunavut Government headquarters full-time positions (referred to in this report as "FTEs"). With these 624 FTEs, an additional 60 new federal government jobs are likely to be created, for a total of 279 federal FTEs. (There are currently 219 federal jobs in Nunavut—Nunavut Secretariat, DIAND: June 10, 1996.)

In 1994, Inuit held about 44% (953) of the 2,161 directly funded territorial government jobs in Nunavut (*Footprints*, Appendix A-6, pages 6-10). With a total of 3,672 directly and indirectly territorially-funded positions currently projected for Nunavut for 1999, a 50% Nunavut Government headquarters Inuit hire (312 FTEs), combined with a 50% regional/community Inuit hire (1,524 FTEs) would result in

1,836 Inuit filled FTEs in 1999. If the 50% hire target were applied to 279 federal government FTEs, Inuit would occupy another 140 FTEs in 1999, an 8% increase. Combined territorial and federal Inuit participation would amount to 1,976 FTEs.

Applying these 1,976 FTEs against the number of Inuit 15 to 44 years of age in the 1994 population (9,253) would mean that only 21% of this age group would be likely to find work in government. If the Inuit population of 15 to 44 age group were to grow by 10% between 1994 and April 1, 1999, another 925 Inuit would be in the job market resulting in only 19% of Inuit in this age category finding public sector work.

Based on a breakdown of the 600 new Nunavut Government FTEs recommended in *Footprints*, the new headquarters would be staffed as follows:

**Breakdown of New Nunavut
Government Headquarters Positions**

| | |
|------------------------|-----|
| Administrative Support | 143 |
| Paraprofessional | 86 |
| Professional | 231 |
| Senior Management | 54 |
| Executive Management | 16 |
| Total | 600 |

(c) Private Sector Employment

In 1991, 50% of all employment in Nunavut was within the private sector (see Appendix G). An increase of 1,371 persons over natural growth is projected for Nunavut by March 31, 2000—the time by which the Nunavut Government should be fully staffed. Based on the 654 new FTEs recommended in this report, it is estimated that approximately 260 new jobs will be created in the private sector.

(d) Decentralization of Nunavut Government Jobs

To make the most of finite government employment opportunities, the NIC has recommended that new Nunavut Government employment opportunities be spread as widely as possible across Nunavut through the establishment of a decentralized Nunavut Government. To extend the employment benefits of decentralization, the NIC has recommended that FTEs now based in the existing regional centres (Iqaluit, Rankin Inlet, Cambridge Bay) be relocated to other communities in their regions. This approach makes a great deal of sense given that employment levels in the regional centres are considerably greater than in the other communities. The net effect of FTE redistribution would see 458 FTEs distributed to 10 Nunavut communities (excluding the capital, Iqaluit).

Although decentralization would benefit the 10 communities outside of the capital, there remain 15 other Nunavut communities that will not likely receive any direct employment benefits. These 15 communities make up 29% (7,938) of the total projected Nunavut population in 1999—27,219 (see Appendix B, page B.4).

(e) Inuit Participation

In *Footprints*, the NIC recommended (#6-8) a minimum of 50% Inuit in Nunavut Government headquarters positions by 1999, and full representative Inuit participation (#6-9) by 2021. This recommendation reflected Article 23 of the *Nunavut Agreement* which committed the parties to that agreement to institute the necessary training and hiring practices to ensure Inuit participation in the Nunavut public sector at levels representative of the Inuit population in Nunavut (approximately 85%). With the advent of Nunavut, expectations amongst Inuit of employment with the Nunavut government are high. To some degree, the recent increase in Inuit high school enrollment may be attributable to hopes for employment within the Nunavut public service. A recent survey of current Inuit public sector employees, entitled *In Their Own Words: Turnover and Retention amongst Inuit Employees in the GNWT* (prepared for the Department of Education, Culture and Employment by Nunavut 1999 Consulting in March 1996) recorded that 89% of those interviewed wished to work for the Nunavut Government (page 50). Matching employment realities with expectations may be difficult.

4.2 Work and Societal Well-Being

A recent (1995) *Atlantic Monthly* article, entitled “If the Economy is Up, Why is America Down?”, questioned the value of the currently accepted economic barometer, the Gross Domestic Product (GDP), as a true measure of economic progress.

“The GDP is simply a gross measure of market activity, of money changing hands. It makes no distinction whatsoever between the desirable and the undesirable, or costs and gain. On top of that, it looks only at the portion of reality that economists choose to acknowledge—that part involved in monetary transactions. The crucial economic functions performed in the household and volunteer sectors go entirely unrecognized. As a result the GDP not only masks the breakdown of the social structure and the natural habitat upon which the economy and life itself ultimately depend: worse, it actually portrays such breakdown as economic gain.”

(Page 3)

An example of this might be as follows. A new chemical plant is constructed and, through its construction and operation, creates jobs, stimulates economic growth. Eventually, a spill occurs; polluting a river, contaminating drinking water for humans and livestock, and damaging crops. A clean-up operation is mounted requiring considerable resources. The employment and economic activity associated with the clean-up increases the GDP, and an environmental disaster goes on the books as a gain. The article suggests that a truer index of progress must be found—one that balances apparent economic gains against the degradation of the “quality of life.”

A problem in finding an alternate way of measuring societal development is that the factors affecting the quality of life are difficult to measure. How can one gauge the value of volunteer work to the community, household work and leisure time within the family, or the consequences of environmental problems to society? Conventional economic thinking apparently is that if it is hard to count, then it doesn't count. The *Atlantic Monthly* article argues for the need to rethink economic and societal indices we have traditionally relied on to measure “progress” and asserts the need for fuller measures to test our progress in achieving a better “quality of life.” The article suggests a more useful measure of progress might be a Genuine Progress Indicator (GPI). The GPI would be an index that values many factors that the GDP ignores. For example, volunteer work, which contributes to the well-being of the community, does not factor in the calculation of GDP, but would be given value under the GPI. Conversely, efforts to prevent crime add to the GDP because they employ law enforcement officers, criminal justice workers, etc., but ignore the costs experienced by both the victims of crimes and different levels of government. In all, the article identifies more than twenty GPI aspects of our economic lives that are overlooked in the GDP.

The practical workability of a GPI index is open for debate. At a minimum, however, the concept forces us to re-examine conventional thinking on the measurement of societal well-being and invites an exploration for alternatives.

4.3 The Future of Work: The Nunavut Context

In Nunavut, a search for solutions to the problem of limited employment must include examination of what constitutes “working time” in the eyes of government and the private sector and the need and importance of “personal time” for households and individuals. “Some people live to work, while others work to live” may be a trite expression, but it does capture the notion that for some, there is more to life than work in the conventional sense. Having time for family, friends, hunting, fishing, camping, and time to deal with the simple practical realities of living in the Arctic (snowmobile repairs, frozen water pipes, meeting airplanes, etc.) is important in Nunavut, and requires a flexible approach to life.

As well, the unpaid efforts of individuals on behalf of families and communities such as child and elder care, community spring clean-up, volunteer work, all of which contribute to the quality of family and community life, must be recognized. In more traditional times, distinctions between work and the contributions of individuals to society were not made. "Work," and carrying out responsibilities to the collective good, were considered to be one and the same thing. This approach was well captured in the recent report *Coral Harbour Community Story: Round One* (March 21, 1996), which relays the thoughts of residents of Coral Harbour about the relationship of work and personal time. Referring to the past, a resident recalled:

"Nobody expected to be paid for working, people worked because that's what you did. It was your purpose as a human being to work for the benefit of your family and community. This made people happy and it made other people proud to know such a person."

(Page 25)

In envisioning a better future, another resident said:

"In the future, the entire concept of work and service will be blended together to make a new economy of Nunavut. That new economy will have work for all, and benefit for all that work. Today there may not be many jobs, but there is a lot of work to do in Coral Harbour to make the community a better place."

(Page 25)

This desire for a better community life offers opportunities to explore alternative ways of working that are more in tune with the needs of individuals and communities. Time for children means better socialized and happier children. Time for elders means a sense of belonging and an opportunity to pay respect and to learn. Time offered to those who need help means less dependence on social services and reduction in government expenditures. Time to participate in community social activities, sport activities and self-help projects (e.g. spring clean-up) can improve the physical and psychological environments of a community. Positive social values and support systems can assist in the reduction of youth crime, drugs and alcohol abuse, family violence and suicides, and the emotional and financial costs that go with them. Time for hunting means a psychological break from the pressures of wage work and community life and a better diet and physical life style. Better food, exercise, and distance from some of the negative aspects of community life mean reduced costs associated with health care, policing and justice. Pursuing traditional activities means sustaining things that people know and enjoy, things that have both cultural relevance and economic importance. Country food is shared among family and relatives, giving providers the satisfaction and prestige of contributing to the larger family good and strengthening family ties.

On the other side of the work and time dichotomy is the lack of employment. According to the *1994 NWT Labour Force Survey* (see Appendix H), 14,404 Nunavut residents were 15 years of age and older. The 15 to 64 age group made up 97% (13,956) of the population 15 years of age and older. Seventy nine percent (11,318) of the population were in the 15 to 44 age category. It is this age group which will largely make up the Nunavut Government labour pool in the early post-division years (its proportional significance will wane considerably as another 10,000 or so children now under the age of 15 years enter the labour market five to fifteen years down the road). It is estimated that the Nunavut population will increase from 21,244 people in 1991 to 29,218 in the year 2000; a population growth of 37.5% in nine years.

The creation of the Nunavut Government is likely to result in another 624 territorial government jobs in Nunavut for a total territorial and municipal government work force of 3,672 FTEs. In 1994, filling these jobs would have meant employment for about 26.3% of the 15 to 64 year age groups, not much different than without Nunavut, at 21.8%. With a rapidly growing population and few prospects in the communities for employment and economic growth outside the public sector, the employment picture looks difficult. This difficulty will be particularly telling for Inuit, who made up 81% (11,270) of the 15 to 64 age group in 1994 (13,956), but occupied only 44% of the territorial government positions.

Without minimizing the importance of meeting the 50% Inuit public sector participation target and a concerted effort of decentralization, other means of making the best of employment opportunities must be found. One way of doing so is to structure the Nunavut public service to accommodate flexible working arrangements, such as part-time work, job sharing, seasonal work, etc. These arrangements hold out the advantage of enhanced compatibility with cultural and individual preferences, as well as expanding the pool of available public sector jobs.

Alternatives to the traditional "9 to 5" work schedule are not unfamiliar to residents of Nunavut. Rotational work arrangements in the mining and petroleum industry have been the industrial norm for some time. Employees transported to work sites remain there for periods of weeks before being transported back to their home communities for time off. The Department of National Defence work rotation schedule in Nunavut often involves months spent in a remote location before employees are returned home for periods of extended leave. In some high cost industrial environments, rotational work schedules are combined with lengthy work shifts to compress work time at the job site into shorter on site periods. Although gruelling, this approach can provide workers with both good wages and lots of time off for camping and hunting. Seasonal work is common during the summer construction season. Even the school year in some communities is defined to accommodate the fishing season.

The 1994 NWT Labour Force Survey found that many Nunavut residents would prefer or accept flexible working arrangements. Regarding "Length of Job Wanted" (Table 39), 52% of those surveyed who "wanted a job," said they wanted employment "year round," 19% said they wanted "seasonal employment," and 20% said they would take "either." Although these figures likely reflected a lack of employment opportunities in Nunavut and the central desire for any kind of work at all, combining the "seasonal" and "either" categories would indicate that 49% of those interviewed would have preferred or accepted seasonal employment.

Regarding the "Type of Job Wanted" (Table 40), 61% of those surveyed wanted "full-time" employment, 16% wanted "part-time" employment and 15% said they would take "either." While these results, too, may have reflected the desperate employment situation, combining the "part-time" and "either" categories would indicate that 31% of those interviewed would have preferred or accepted "part-time" work. Fifty-eight percent of those who "wanted a job" said they would accept "rotational work" (Table 38).

The opportunity to balance work with adequate time to pursue personal priorities and responsibilities is important at both the societal and household levels. In Nunavut, there are too few traditional wage type jobs and not enough money spread around to allow people to take full advantage of free time. A better balance between work time and personal time could bring about tangible improvements in the quality of life.

4.4 Structuring Working Time in the Nunavut Government

There are different ways of structuring working time. The Human Resources Branch of Human Resources Development Canada (HRDC), in an October, 1995, publication entitled *A Flexible Workplace: A Guide to Flexible Work Arrangements and Leave Options* ("HRDC guide"), outlined several alternate working arrangements that are now Treasury Board policy.

The HRDC guide examines different ways of sharing work and restructuring working time to reflect the human and fiscal resource realities of public sector employment in the 1990s. The guide reviews the upsides and downsides, and do's and don'ts, of various alternate work arrangements. It also discusses employer obligations. As an employer, government has certain obligations to its employees, legal and moral; and these must be borne in mind when establishing non-traditional working arrangements. Government must also be concerned with the costs and savings associated with new arrangements for service and program delivery. Juggling a variety of flexible working arrangements involves more complex forms of management, requiring considerable employer/employee and employee/employee co-operation.

Current federal policy leaves it up to individuals to decide if flexible approaches are desirable and appropriate, and to come forward with proposals. It also challenges managers to demonstrate leadership and creativity by supporting flexible working arrangements. The individual initiative approach characteristic of the federal policy may make sense in some circumstances—for example, where a large work organization is already fully staffed up—but a more proactive policy approach by the Nunavut Government in instituting flexible working arrangements in Nunavut could be more helpful. Doing so would require creativity and courage on the part of Nunavut policy makers.

If flexible working arrangements are to become a policy cornerstone of Nunavut public sector employment, they should be established at the outset. If thoroughly thought through, and properly instituted from the start, many of the difficulties associated with readjustment from a more traditional “9 to 5” approach would be eliminated. It is easier to institutionalize new working arrangements at the outset than to change them later on.

Flexible work arrangements can take several forms: compressing working time into shorter more intensive periods of work; working less than full-time; or, working hours outside the normal “9 to 5” tradition. A review of Nunavut Government jobs suitable for flexible work arrangements would reveal which jobs would most readily fall into a category of positions that could be shared or occupied on a part-time basis. Although the institution of other working arrangements—such as compressed working time—might not result in the creation of a bigger job base, such arrangements might, nonetheless, prove suitable for persons wishing more personal time. Other initiatives, such as designation of some jobs as “home-based,” might not only result in the employment of more people, but reduced overhead costs to government.

A bold policy approach might require that a certain percentage of FTEs be staffed through flexible work arrangements. Doing so would entail providing adequate support systems in the form of such things as organized child and elder care. Costs associated with dealing with greater managerial complexity and provision of complementary support systems would need to be balanced against better geographic employment distribution, enhanced productivity and other benefits.

Private sector actors might usefully look more closely at the benefits of instituting flexible work arrangements. Private sector actors might find that instituting alternate work arrangements results in a happier work force with lower rates of absenteeism, burnout and turnover, and correspondingly higher productivity, while also contributing to broader societal objectives. For example, Inuit organizations might be able to stretch the employment opportunities to be found within the implementation and administration of the land claim.

4.5 Types of Flexible Working Arrangements

The following are examples of alternate work arrangement that might be actively promoted in Nunavut:

(a) Part-Time Employment

A part-time employee is defined in the HRDC guide as someone who works less than the standard number of full-time hours, but more than one-third of that number (a standard work week is usually 36.25, 37.5 or 40 hours). Sixteen percent of those interviewed by the *1994 NWT Labour Force Survey* who wanted a job, expressed a desire for part-time employment. If 16% of the directly and indirectly funded Nunavut Government work force (3,672) were to work part-time, an additional 587.5 jobs openings could arise.

From an employee perspective, part-time employment may be an ideal solution to balancing work and family responsibilities such as looking after children or elders in need of care. (If residents were more easily able to devote more time to children and elders, the demand for care services and facilities could be lessened.) Part-time work may also be ideal for people who want more free time to go hunting or for other economic, cultural, or personal reasons.

From a management perspective, part-time employment has the advantages of attracting and retaining qualified staff who might not otherwise be available. If part-time work is not available, employers may lose long term and knowledgeable employees who would rather quit than cope with the stress of having full-time jobs. Part-time work can also provide employees with time to upgrade education and employment skills which may ultimately be of direct benefit to employers.

Instituting part-time working arrangements requires finding other employees to fill in employment gaps and considerable managerial agility. The needs of both employers and employees must be accommodated. Managing part-time working arrangements requires finding alternate resourcing strategies and ensuring that productivity and communication do not suffer.

(b) Job Sharing

Job sharing is another form of part-time work. It involves two part-time employees sharing the duties of one position. In order to retain "employee" status, at least one party must work more than one-third of a standard work week.

From a management perspective, the benefits and complexities of job sharing arrangements are similar to those described for part-time work.

For employees, job sharing has benefits similar to those described for part-time work. It allows someone to work part-time in a situation where full-time staffing of a position is needed. Job sharing requires employees willing to share work space, files, and other tools of the trade, and to share responsibilities and evaluations. Willingness to be flexible and to work co-operatively are the keys to success. Clear understandings with partners and supervisors must be articulated at the outset to avoid foul ups and acrimony later down the road.

The administrative and managerial complexities associated with job sharing arrangements might be lessened if Nunavut government employment policies encouraged members of a household to share certain jobs. This arrangement could reduce scheduling difficulties as well as giving household members more time at home to look after children and elders, while retaining the benefits of a full-time salary for the household.

Most Nunavut Government headquarters administrative support positions (143 FTEs) and paraprofessional positions (86 FTEs) could probably be shared. If shared, the number of persons that could find employment could expand from 229 to as many as 458. Sharing some senior management jobs might require special considerations but few obstacles are insurmountable; the Government of British Columbia has just recently made job sharing possible at the deputy ministers' level, a first in Canada. With respect to modestly paid positions, two members of a single household involved in job sharing would earn enough income between themselves to get by, particularly if some free time were devoted to hunting and fishing and artisan work.

(c) Compressed Work Time

Compressed working time allows employees to complete their requisite number of working hours in a period of time shorter than normal.

A compressed work week would allow employees to complete their weekly work hours in a period less than the usual five days. Working a compressed work week benefits employees who, for a variety of personal reasons, may prefer more days off per week. In Nunavut, a hunter having a good salary with three days off each week to hunt (including weekends) would be in a highly favourable position. The financial wherewithal to hunt, coupled with the time to do it, could supplement cash income with a valuable supply of country food.

A compressed work month, whereby an employee could collapse four weeks worth of work into three, would allow for nine consecutive full days off at the end of each month (one five-day work week bracketed by two weekends). At certain times of the year, time off work could be co-ordinated to coincide with the seasonal availability of wildlife; in this way, extended periods of time could be devoted to laying in substantial quantities of country food. Compressed work months would be similar to rotational work arrangements employed by the mining and petroleum sectors and, accordingly, might be especially attractive to persons having that work background.

Annualized compressed work time would allow an employee to compress 12 months of work into nine or ten months and, as with a compressed work month, would be beneficial for those wishing for extended period time off to hunt and fish in the spring and summer.

(d) Seasonal Work

Seasonal work is commonly understood by residents of Nunavut to be work that is both seasonal and temporary in nature. Some seasonal work arrangements provide indeterminate employees with an opportunity to work for a period of less than 12 months, but with assurances of work over successive years.

From a management perspective, seasonal work arrangements can be useful in instances where a larger work force is required for peak periods of activity, and a smaller work force for slow periods. For indeterminate employees with a preference for significant blocks of time off, this can be ideal; they get the time off they want, with assurance of annual employment.

(e) Flexible Hours of Work

Flexible hours of work entail variable times for starting and finishing work and for break periods. For ease of administration and management, hours selected should usually remain constant.

Flexible hours of work can enable employees to adjust hours to suit their particular needs or preferences. This can result in increased productivity. For example, “morning people” can benefit from an earlier start. Flexible hours can also allow employees with outside commitments—such as parents who are required to be at their place of work before their children are off to school—to juggle their work to meet household needs.

(f) Shift Work

Shift work is a useful means of maximizing the use of office space and equipment. Government buildings occupied for only one-third of each 24 hour period still require heating and maintenance for the other two-thirds of each day. More frequent use of office space would be a more efficient use of resources and less overall government office space would be required. Some routine administrative jobs, such as accounting and filing, might lend themselves to shift work arrangements. Although shift work is not always seen in a favourable light, the option might appeal to some individuals, particularly during seasons when extended hours of daylight or darkness make little difference to when a person is up and about.

(g) Telework

Telework—also known as distance working and telecommuting—is becoming more and more common. With telework, employees work away from their official place of work for all or part of the time. In the United States, it is estimated that some 43.2 million people telecommute to some degree, and that some 8.8 million full-time telecommuters never set foot in an office.

For employers, this approach to work can be beneficial, particularly through reduced office space and other overhead requirements. For employees, teleworking can avoid the time and expense of commuting and costs associated with office dress and activities. It can also free up more time for home life and, depending upon the job, provide more flexibility in hours worked.

Teleworking in Nunavut may prove a good means of distributing work more equitably within Nunavut. Although the Nunavut Government has been conceived as a decentralized government, direct employment benefits are likely to be confined to those communities that house decentralized government functions. If communities were outfitted with a broadband telecommunications infrastructure, residents outside the decentralized government headquarters communities could also work for the Nunavut Government. This would broaden the labour pool from which to draw prospective employees, as well as spreading the jobs around. Considerable cost savings could be achieved since prospective employees would not have to be relocated, and new office space and housing could be kept to a minimum. With a portion of employees working from their homes, demands for child care and elder care facilities and service could be lessened.

(h) Leave Options

The HRDC guide identifies a number of leave options that require some administrative and managerial adjustments, but are now included in many collective bargaining agreements. Paid maternity, paternity and adoption leave are common in such agreements. Such leave arrangements can involve as much as 26 weeks of time off and may require the hiring of temporary help. The absence of an employee creates a temporary job opening for people who otherwise might remain unemployed.

Leave with income averaging is another option that may stretch the employment base. Leave with income averaging involves reducing the number of hours worked by an employee in a year by setting aside blocks of leave at a stretch. The employee's reduced income is then averaged over 12 months. This option might be ideal for someone who does not need a full salary, but wants the security of a permanent job. Blocked off time can be filled on an intermittent work basis by someone else.

Time off without pay is a fairly standard arrangement contained in collective bargaining agreements today. Time off can be sought in a variety of situations, such as the care of pre-school children, relocation of a spouse, pursuit of higher education, and career development. Although finding employees to fill positions temporarily creates additional administrative work, doing so has the benefit of providing extra employment.

4.6 Implementation Considerations

Developing flexible working arrangement policies requires considerable foresight, creativity and co-operation. To be successful, such policies involve a judicious balancing of societal, organizational and individual interests. Program and service standards and delivery cannot be allowed to suffer and cost considerations, both discretionary and non-discretionary, are central. Instituting and implementing flexible public sector working arrangements may require negotiating or renegotiating provisions of complex collective bargaining agreements. They may also involve the introduction or expansion of complementary systems of support, such as child care and elder care facilities and services. The conceptual and logistical challenges associated with flexible work arrangements should not be understated, but the potential pay-offs from intelligent and imaginative innovations are significant and enticing.

4.7 Future of Work in Nunavut Conference

The road to Nunavut is along the information highway. Since the publication of *Footprints*, the NIC has received a great deal of positive feedback on those parts of its report that encouraged the mobilization of new telecommunications technologies and aptitudes in the design of the Nunavut Government, particularly the use of new tools to assist in the fulfilment of wider policy objectives such as the decentralization of government activities and the promotion of flexible work arrangements. This feedback—from both organizations and individuals—has prompted the NIC to sponsor the convening of a special conference in Nunavut, in Iqaluit in February of 1997, with the organizing title of *The Future of Work in Nunavut Conference*. The objectives of the conference, as set out in a funding proposal that has been developed by the NIC, are as follows:

- to create a forum for open dialogue among the people of Nunavut and their leaders about their visions for the future of work and to lay the groundwork for further discussions concerning their visions of how opportunities presented by new forms of work could be used to help create a healthy and prosperous society in Nunavut;
- to explore options and opportunities for promoting an equitable distribution of work, job creation, culturally responsive human resource practices, relevant education and training, recognition and support for traditional activities which contribute to the quality of family and community life and sustainable economic development;
- to increase the familiarity of communities with the usefulness of communications technologies to facilitate distance participation and other potential applications;
- to demonstrate the application of universal design principles by delivering the conference in such a way as to enable as many residents of Nunavut as possible to participate in on-going dialogue on this issue; and,
- to assist the NIC in gathering information for the development of a work plan to address the future-of-work issues as they relate to the design of policies, programs, services infrastructure and institutions in Nunavut.

The NIC believes that *The Future of Work in Nunavut Conference* could make measurable progress towards assuring the people of Nunavut that the forces of the information revolution can be actively harnessed to work for the self-reliance and self-confidence of Nunavut, rather than passively observed from a position of dependence and self-doubt.

Recommendation #4-1 Confirming and amplifying its advice in Recommendation #5-17 of *Footprints*, the NIC recommends that the Nunavut Government, particularly its relevant staffing and personnel policies, be designed so as to permit and encourage flexible work arrangements in the form of such things as part-time employment, job sharing, compressed work time, seasonal work, flexible hours of work, shift work, telework, and leave options.

Recommendation #4-2 Appropriately designed, flexible work arrangements can make a positive contribution towards the economic and social development of Nunavut and to the operations of an effective and efficient public sector. Therefore, the NIC recommends that, while flexible work arrangements are best implemented through voluntary co-operation between management and employees at both the collective and individual levels, it is desirable that the Nunavut Government—and those involved in its creation—take a proactive approach to the implementation of flexible work arrangements.

Recommendation #4-3 Following from Recommendation #4-2, the NIC recommends that the Office of the Interim Commissioner actively pursue the design and implementation of flexible work arrangements in the initial staffing up and operations of the Nunavut Government's work force. Efforts should be made to classify as many positions as possible as open to flexible work arrangements. Particular attention should be given to how job sharing and other flexible work arrangements might be made available to members of a single household, without compromising established organizational conventions applicable to government offices (i.e. familial loyalties must not colour, or be seen to colour, decision making and accountability).

Recommendation #4-4 The NIC recommends that the Government of Canada, Inuit organizations, unions, private businesses, and other organizations actively pursue flexible work arrangements with respect to their work forces in Nunavut.

Recommendation #4-5 The NIC recommends that promotion of flexible work arrangements be a primary consideration in the choice of appropriate telecommunications policies and technologies in the public and private sectors in Nunavut.

Recommendation #4-6 The NIC recommends that the three parties to the *Nunavut Political Accord* support the convening of a conference, entitled *The Future of Work in Nunavut Conference*, as described in Chapter 4, section 7.

Appendix 3

STEERING COMMITTEE

Randy Ames was responsible for the overall management and co-ordination of the activities of the Conference Steering Committee. He participated in all aspects of the planning and organization and in raising funding for the conference. He is a researcher and liaison officer for the Nunavut Implementation Commission and has been involved in Northern and Aboriginal issues since 1974.

Sharlyn Ayotte was responsible for the Accessibility Design component of the conference. She is the President and Chief Executive Officer of T-Base Research & Development Inc., a Canadian company involved in the development of technology, practices and services that focus on information access. She is an advocate for the rights of people with disabilities and her company is a leader in the area of information and communications products and services in multiple formats. She has been instrumental in the development of alternative information policies for the Royal Bank, Bell Canada, Treasury Board, and Heritage Canada and is a former board member of the Canadian Council of the Blind. Her company designed *InfoTouch*—a computerized information system providing documents in multiple formats, via Touch-Tone phone and teletypewriter (TTY), to people unable to read conventional printed material.

Wendy Ellis was responsible for the organization of the conference and particularly the logistical arrangements. She began working for Inuit Tapirisat of Canada (ITC) in 1972 and has been working as a consultant to aboriginal organizations since 1982. She has worked for many Inuit organizations at the regional, national and international levels in a variety of roles (conference organization and management; on-the-job training program design and instruction; project design, development and management; etc.). In 1995, Ms. Ellis produced "The Inuit of Canada" publication for ITC.

Peter Ernerk was a general advisor to the Steering Committee in his capacity as a Commissioner of the Nunavut Implementation Commission. Amongst other elected and appointed positions, he has been an MLA and has served as an Executive Member for the Ministries of Health and Social Services, Economic Development, Natural and Cultural Affairs, and, Renewable Resources. He resides in Rankin Inlet, Nunavut.

Katherine Fry was responsible for the telecommunications component of the conference. She has been the Managing Director of Inuit Communications Society Limited (ICSL) since October 1995. Prior to that, she acted as a producer/director/writer and as a specialist in interactive telecommunications design and delivery consultant for Inuit, government and private organizations. Her work in the area of specialist training resulted in the Inuit Broadcasting Corporation (IBC), ICSL and the GNWT commissioning the production of the *Connecting the North Symposium*.

Lynn Jamieson developed the original proposal for the conference and participated in general planning and organization. She was responsible for designing the agenda and preparing the background papers and the final report. She is a former Director General in the Strategic Policy Branch of Human Resources Development Canada where she led a Task Team in examining the economic and social policy implications of changes in working time and the distribution of work. She worked for the Nunavut Constitutional Forum (1984-85) as the Coordinator of Research and Liaison and was the Executive Director of the Task Force to Review Comprehensive Claims Policy, which produced "Living Treaties, Lasting Agreements." She is currently an independent consultant and a Senior Associate at Informetrica Limited.

Clara O’Gorman was a general advisor to the Steering Committee in her capacity as a Commissioner of the Nunavut Implementation Commission. She has worked for the Kitikmeot Regional Health Board and was recently Kitikmeot Regional Superintendent for the GNWT Department of Personnel. She is a member of Pauktuutit and the Kitikmeot Inuit Association. Ms. O’Gorman resides in Cambridge Bay, Nunavut.

T. Bert Rose provided advice to the Steering Committee in his capacity as Director of Human Resource Development and Training for the Nunavut Implementation Commission. Mr. Rose is an educator with experience at elementary, secondary and post-secondary levels in the Northwest Territories. He is currently on leave from an administrative position at Nunavut Arctic College.

Liz Snider provided advice to the Steering Committee on the overall planning of the conference. She is currently an Assistant Deputy Minister with the Government of the Northwest Territories based in Ottawa. She worked as a Director at the Department of Fisheries and Oceans and was instrumental in developing and getting government agreement to the "Arctic Marine Conservation Strategy." She has been involved with all the Northern land claims and in particular in the negotiation and implementation of the Inuvialut Final Agreement for the federal government. She was the GNWT’s representative on the Nunavut Steering Committee that produced the "Nunavut Political Accord".

Appendix 4

STATEMENT OF REVENUE AND EXPENDITURES

ended June 20, 1997

(unaudited)

Revenue:

| | | |
|-------------------------------|--------------|--------------|
| Revenue — Inuit Organizations | \$ 38,000.00 | |
| Revenue — GNWT | 100,000.00 | |
| Revenue — Govt of Canada | 203,555.00 | |
| Revenue — Private Sector | 20,900.00 | |
| | <hr/> | |
| Total Revenue | | \$362,455.00 |

Expenses:

| | | |
|---|---------------|--------------|
| Pre-Conference Organization and Planning | \$ 112,263.32 | |
| Conference Expenses | 166,376.08 | |
| Report Preparation and Follow-up | 87,804.12 | |
| | <hr/> | |
| Total Expenses | | \$366,443.52 |

TOTAL SURPLUS (DEFICIT) (\$3,988.52)

Appendix 5

DISCUSSION GROUP QUESTIONS

Morning—March 4: What's happening in Nunavut today?

1. What was said by the presenters and panelists that really interested us?
2. How is work (or lack of it) affecting our community?
 - what are the problems?
 - what are the benefits?
 - are some people feeling like they have too much work?
 - what are the people doing who do not have jobs?
3. Do people contribute to the community without being paid?
 - what do they do?
 - how do traditional activities fit within community life?
4. How is work (paid and unpaid) distributed in our community?
 - who does most of the "caring" work?
 - how do people get what they need to survive?
 - how is income distributed?
 - what about country food?
5. How do people measure success?
 - what kind of activities are most valued?

Afternoon—March 4: What would make things better?

1. What ideas interested us most in what we've seen and heard so far?
2. What kind of changes would we like to see regarding work in our community?
 - in how work is distributed?
 - in education and training?
 - in access to technology (telecentres)?
 - in income support?

3. What would we like to stay the same?
4. What kind of problems do we need to overcome?
5. What kind of opportunities do we see?

Morning—March 5: Agenda for Action: What can we do to make it happen?

1. What interested us most in what we saw and heard this morning?
2. What kind of things can we do to distribute jobs, income and time better?
3. Who needs to be involved?
 - government?
 - Inuit organizations?
 - private business?
 - unions?
4. What ideas should we follow-up?
5. How will we know if we're making progress?

Appendix 6

BACKGROUND PAPERS

SOCIO-ECONOMIC OVERVIEW OF NUNAVUT

Demographics

The current population of Nunavut is approximately 25,172. The population is growing rapidly—more than twice as fast as the population of Canada as a whole. By the year 2006, the population is expected to increase to 31,261 (not including people who move to Nunavut following division).

In 1991, approximately 4 out of every 10 people were under the age of 15; in other words, the population of Nunavut is significantly younger than the rest of Canada. Statistics bear this out. Both populations have approximately 18% of their people in the 25-34 age group. Among older age ranges, Canada has the higher proportions (16% to 11% in the 35-44 group, 11% to 6.5% in the 45-54 group, 8.5% to 4% in the 55-64 group, 7% to 1.5% in the 65-74 group, and 4.5% to .5 per cent in the over-75s. Below age 25, the proportions reverse, with Nunavut leading by 19% to 14% in the 15-24 group and 39% to 21% in the under-15s.

Work

Traditionally, the concept of work meant “making a living” and included activities like hunting, making clothing and shelter, and raising children. Together these activities contributed to the survival and well-being of families and communities and gave individuals a sense of pride and belonging. Following contact with the Qallunaaq, people began to work for money by whaling or trading with the Hudson's Bay Company. Later, work began to be divided up into “jobs” and people started to earn wages working for the RCMP, municipal governments, mining companies and so on. In order to get income, people had to start selling their time and labour to employers. (Economists refer to the system of buying and selling labour as the “labour market.”) And jobs became the main way in which income was distributed.

In Nunavut today quite a few people are still involved in traditional activities like hunting (45%), trapping (7%) and arts and crafts (23%) and make valuable contributions to their communities. People do unpaid work that is socially valuable as well, such as child care, care of the elderly or disabled, and community service.

In 1994, a total of 7,417 people over the age of 14 were earning income through employment in Nunavut. This represents 51% of people over 14 years old. Of these, 4,138 were men and 3,279 were women. Among those of working age, 55% of men and 48% of women were employed. This compares with Canada-wide figures of 65% for men, 52% for women and 57% overall.

In 1994, 2,060 people in Nunavut (14.3%) were unemployed. 1,945 of the people who were unemployed were Aboriginal. At the same time, 6.7% of the working population in Canada was unemployed.

The remainder of the population (34%) was not in the labour force, that is, not actively looking for paid work. This is similar to the Canadian figure of 35%.

In 1991, half the people employed in Nunavut were working for the government (3,840). The other half were working in the private sector—in wholesale and retail trade (1,070, or 14%); commercial services, like food and accommodation (940, or 12%); transportation, communications and utilities (775, or 10%); construction (445, or 6%); primary industries like fishing and mining (390, or 5%); manufacturing (110, or 1.5%); and finance, insurance and real estate (110, or 1.5%).

Not only are there relatively few jobs in Nunavut, but most of the jobs available require fairly high levels of education and training.

According to the 1991 Census of Canada, 42% of the Nunavut population aged 15 and over had less than grade 9 education; 16% had some high school and 4% had completed high school; 29% had some post-secondary training, and 4% had obtained a trade certificate or diploma and 6% a university degree.

Although the number of people completing high school and going on to post-secondary education is increasing (the rate doubled between 1990 and 1995), there is still a large gap between the education and skills level of the labour force and the skill requirements of the jobs currently available.

Quality of Life

In 1991, the average annual income of individuals in Nunavut (\$21,715) was lower than the Canadian average (\$24,001), even though the cost of living in Nunavut is much higher. In Nunavut, males (at \$26,042) received about \$10,000 more income per year than females (at \$16,400). However, the difference between the income of men and women in Nunavut is smaller than in the rest of Canada, probably because there is less difference in education and employment rates for men and women in Nunavut.

A growing number of people who cannot make money by selling goods or getting a job have to rely on other sources of income, such as unemployment insurance and social assistance. The number of people who are dependent on social assistance has remained high (7,038 in 1993, 6,697 in 1994, 6,994 in 1995, and an estimated 7,801 in 1996) and social assistance payments grew from approximately \$12 million in 1988-89 to over \$20 million in 1994-95.

Problems with low income and the high cost of living in Nunavut are compounded by a critical housing shortage.

In addition to economic difficulties, the people of Nunavut are facing a number of serious health and social problems, which are reflected in life expectancy rates that are the lowest of all Aboriginal groups and much lower than in the rest of Canada. Male life expectancy in 1991 was 57.6 years (Canada, 74.6), while female life expectancy was 68.8 years (Canada, 80.9). Although there are no precise figures for the number of people in Nunavut with disabilities, it is known that disability rates in the Aboriginal communities are three times higher than the national average.

The rate of abuse of alcohol, drugs and solvents, which is associated with poverty, poor health and high crime rates, is also significantly higher than in the rest of Canada. The percentage of people who consumed 5 or more drinks per occasion in 1995 was determined to be 24.3 for Nunavut and 8.8 for Canada. The percentage of people using marijuana/hash was 28.5 (Canada, 7.4) and of those using other illegal drugs 5.6 (Canada, 1.5); 20.7% had at some time used solvents/aerosols compared to .8 per cent for Canada.

One of the most troubling statistics concerning the residents of Nunavut is the extremely high rate of suicide, especially among young Inuit men. In 1994, 21 of the 25 suicides in the NWT were in Nunavut. All 21 were Inuit. Almost all were male, and the average age was 23.

The human costs associated with the social and economic conditions in Nunavut are very heavy, and the problems also require a large amount of government expenditure. At present about one quarter of government expenditures in Nunavut are directed to health and social services.

Currently, over three quarters of the GNWT's budget comes from the federal government. Given the current situation, it is projected that 95 out of every 100 dollars spent by the Nunavut government will come from federal transfers.

CHANGING PATTERNS OF WORK AND EMPLOYMENT

Employment Trends

The economies of Canada, the United States and other industrialized countries in Europe and Asia are undergoing a major transformation. This economic restructuring has been driven by advances in technology, increased international trade and global competitiveness.

The Canadian economy reflects patterns similar to those of most other industrialized countries. There has been a significant shift away from employment in the industrial sector to employment in the services sector, particularly in the knowledge-based industries. The proportions have shifted from 29% in industry and 66% in services in 1976 to 23% in industry and 74% in services in 1996. Employment in agriculture has remained relatively steady in the 3-5% range.

Employment in large firms (those with over 500 workers) has declined from 44.5% to 36%, and small businesses are employing a larger portion of the workforce (from 21% to 26.5%).

The level of skills demanded by employers is increasing, and a person's chances of being employed are closely related to his or her educational attainment. In 1976, about 40% of people with less than a high school education were employed. By 1996, less than one quarter of this group could find jobs. Employment rates for people with secondary, post-secondary and university educations has remained relatively constant at 60%, 70% and 80%, respectively.

Over the last four decades, there have been more people in the labour force, and the unemployment rate has been increasing steadily. For Canada, the rate rose from 2.8% in 1953 to 9.7% in 1996.

At the same time, people's average real earnings have not been rising and, in some cases, have fallen. In constant 1996 dollars, average earnings per worker remained within the \$28,000-\$32,800 range between 1971 and 1996.

Jobs have not been equally distributed between older and younger people. Young people between the ages of 15 and 25 have much higher rates of unemployment than people over the age of 25. Over the past 20 years, the unemployment rate among 15-24 year olds in Canada reached a peak of 19.7% in 1983. Corresponding rates for the 25-54 and 55-64 age groups were 8.8% and 6.9%, respectively.

Changes in Working Time

Over the last 20 years, the proportion of standard 9 to 5, five day a week jobs has been declining, and the number of non-standard jobs, which include part-time, temporary and self-employment, has been increasing. Since 1976, more than half of all the new jobs created have been part-time or other non-standard jobs. By 1995, 30% of all jobs were non-standard.

Adult males appear to be working longer hours, while young people and women are doing most of the part-time and temporary jobs. (It should be noted that women are still doing the majority of unpaid work in the home.) Although about two thirds of people who work part-time do so out of preference, a growing portion of part-time employment is involuntary.

The number of people who hold more than one job has doubled in the last two decades. The number of people working for temporary employment agencies has tripled since 1976.

New Measures of Progress

Because of the many changes in work and employment patterns, there is a growing demand for new ways to measure what is happening in the labour market and new ways to evaluate progress more in keeping with community values.

Lever for Change

Any political entity or “state” can be thought of in terms of three major areas of activity—the **workplace**, the **marketplace** and **society**.

The **workplace** is where people's labour is combined with capital, technology and resources to produce goods and services. The goal of the workplace is **productivity**.

The **marketplace** is where goods and services are bought and sold. The goal of the marketplace is **competitiveness**.

Society is where the quality of life, culture and values, education and equity are determined. The goal of society is **prosperity**.

In traditional societies there was little distinction between the workplace, the marketplace and society, but in southern Canada and other industrialized countries these areas of activity tend to be viewed as quite separate. Nevertheless, what happens in one area of activity still affects what happens in other areas. For example, changes in the workplace affect what happens in the marketplace and in society, and changes in society affect what happens in the marketplace and the workplace.

Governments, employers and workers, public and private institutions and individuals are all agents of change and have a number of different tools or levers that can be used to affect what happens in society, the marketplace, or the workplace.

The following are some examples of the kind of things that can be done to change patterns of work and employment.

Legislation can be used to regulate hours of work, including overtime, standard work days and work weeks, maternity leave, statutory holidays and vacation time, and workers benefits, as well as hours of operation and minimum wages. In some European countries, legislation also provides for education and training leave.

Tax incentives and subsidies can be used to encourage training, job creation and work-sharing.

Income support programs like Employment Insurance, Social Assistance or the Hunters Income Support Program can be used to provide a basic income to people who are unable to work, can't find work, or are involved in socially valuable activities, like caring for dependants, training and upgrading skills, or hunting. Income support programs can also be used to support work-sharing.

Human resource policies and collective bargaining can be used to encourage flexible work arrangements, such as flexible hours, part-time work, job-sharing, time off for family reasons, leave for child care or elder care, education or training leave, early or phased-in retirement, and working at home. They can also provide supplementary benefits and on-the-job training programs.

Local Employment Trading Systems (LET Systems) can be used to facilitate the exchange of goods and services and make employment available to anyone who wants to work and has a skill or service that is required by people in the community. (In a LET System, a community issues and manages its own local system of currency based on credits for the work people do for each other.)

Choices made by individuals and families with respect to how time is spent and what activities are recognized as valuable can also affect the distribution of paid and unpaid work within households and the broader society.

Any significant changes in patterns of work and employment depend on the combined efforts of governments, employers and workers, public and private institutions, and individuals and families.

Appendix 7

PANELISTS, MODERATORS AND PRESENTERS

John Amagoalik: Mr. Amagoalik was born in Northern Quebec and was relocated to Resolute Bay in the High Arctic in 1953. He has held a number of elected positions: Head of the NWT Inuit Land Claims Commission (1977-79); President of Inuit Tapirisat of Canada (1981-85 and 1988-91); Co-chair of the Inuit Committee on National Issues (1982-87); and, Chairman of the Nunavut Constitutional Forum (1986-87). He has also been a Constitutional and Political Advisor to the Tungavik Federation of Nunavut (1991-93). He is currently the Chief Commissioner of the Nunavut Implementation Commission.

Mary Simon: Ms. Simon, Canadian Ambassador for Circumpolar Affairs, was born in Kangirsualujuak (George River), Northern Quebec. She has held numerous elected and appointed positions including Commissioner, Nunavut Implementation Commission (1994); Co-director and advisor to the Royal Commission on Aboriginal Peoples (1993-1994); Special Envoy to the Inuit Circumpolar Conference (on-going); President, Inuit Circumpolar Conference (1986-1992); First Vice-President and then President of Makivik Corporation (1979-85). In recognition of her work, Ms. Simon was appointed to the Order of Canada, the National Order of Quebec, the Gold Order of Greenland, and holds Honorary Doctorates of Laws from McGill University and Queen's University.

Meeka Kilabuk: Ms. Kilabuk was born in Pangnirtung, in the Baffin Region of Nunavut. She was a founding member of Inuit Tapirisat of Canada, and was instrumental in the formation of the Inuit Cultural Institute, Inuit Circumpolar Conference, Inuit Broadcasting Corporation, Inuit Women's Association, Maliganik Tukisiniakvik, as well as several other Inuit organizations. Ms Kilabuk is currently Treasurer of the Nunavut Implementation Commission.

Jose Kusugak: Mr. Kusugak, President of Nunavut Tunngavik Incorporated (NTI) since 1994, was born in Repulse Bay, Nunavut. He attended St. Joseph's Bernier School in Chesterfield Inlet, Federal Day School in Rankin Inlet, and Duke of Edinburgh Junior High and Nutana Collegiate High School in Saskatoon. Mr. Kusugak taught Inuktitut, Northern Studies and cross-cultural courses in Churchill and Rankin Inlet (early 1970's); served as the assistant to the President of Inuit Tapirisat of Canada (1973); Chairman of the Inuktitut Writing Standardization Commission (1974); Director of the Inuit Cultural Institute at Arviat (1978); Area

manager and Chairman of the Inuit Services Committee for Inuit Broadcasters in CBC (1989-90); and was self-employed as a cross-cultural and Language Consultant in the early 1990's.

Jimi Onalik: Mr. Onalik was born in Iqaluit and grew up in Rankin Inlet. He was formerly the Youth Coordinator for the Inuit Tapirisat of Canada and is now the Regional Youth Coordinator for the Kivalliq Inuit Association in the Keewatin Region of Nunavut. He is a member of Kivalliq Youth Leaders and is currently working on a pilot's licence.

Sandra Kunuk Inutiq: Ms. Inutiq was born in Iqaluit but her family is originally from Clyde River, Nunavut. She was a paralegal trainee at the Department of Justice and is currently working as a Youth Officer in the Young Offenders Program. She is Vice President of the National Inuit Youth Council.

Joe Kunuk: Mr. Kunuk was born and raised in Iqaluit, Nunavut. He graduated from High School in 1978, attended school in Sisimiut, Greenland for one year and completed a university Business Administration Certificate Program in 1985. He was elected as the first Inuk Mayor of Iqaluit in 1994. He has served as the Vice President of the NWT Association of Municipalities, is an Inuit Circumpolar Conference (ICC) Executive Council Member and Canadian Vice President, is a Board member of Inuit Tapirisat of Canada (ITC), and was a Justice of the Peace. He is active in the community and was instrumental in initiating the establishment of the Alcohol and Drug Counselling Centre in Iqaluit.

Rauri Ellsworth: Mr. Ellsworth was born in Iqaluit, Nunavut and attended school in Igloolik and Quebec. He is actively involved in the National Inuit Youth Council and is currently working as the Youth Coordinator for the Qikiqtani Inuit Association in the Baffin Region of Nunavut.

Martha Flaherty: Ms. Flaherty was born in Inukjuaq, Northern Quebec, and was relocated with her family to Grise Fiord. She attended schools in the Yukon and Manitoba. She was trained in nursing and has worked extensively as an Inuktitut interpreter/translator. She was a member of the Canadian Panel on Violence Against Women and the Panel on Economic Development for Canadian Aboriginal Women. She has been President of the Pauktuutit Inuit Women's Association since 1995.

Charlie Crow: Mr. Crow was born at the Hudson's Bay Trading Post in Richmond Gulf, Quebec. He moved with this family to the Belcher Islands (Sanikiluaq) in 1954 and has lived there ever since. He has held a number of positions in local

government and has been active in all aspects of community life including housing, education, recreation, community radio, and Coops. He was an MLA in the NWT from 1987 to 1991.

Jochebed Avingaq: Ms. Avingaq was born and raised in Igloolik and attended school in Iqaluit and Halifax. Before starting work for the Nunasi Corporation in 1993, she worked for the Tungavik Federation of Nunavut. She is active on the NWT Literacy Council and is a participant in the Sivuliuqtit Program. She is currently the Executive Assistant to the CEO of Nunasi Corporation.

Lucassie Arragutainaq: Mr. Arragutainaq was born in the Belcher Islands and is currently living in Sanikiluaq. He attended school in Churchill, Manitoba and received further training in both Northern and Southern Canada. He is currently the Secretary Manager for the Sanikiluaq Hunters and Trappers Association, Chairman of the Qammuk Housing Association and a member of the Sanikiluaq Environmental Committee. He has been a leader in the Cooperative movement for many years and holds the positions of Second Vice President of Auctu Co-ops Ltd. and Director for Northern Canada of the Canadian Cooperatives Association.

Elijah Erkloo: Mr. Erkloo was born in Pond Inlet, where he currently resides. He lived in Resolute Bay as a teenager and attended school in Iqaluit. He has been actively involved in adult education and was instrumental in developing standard orthography for Inuktitut. He has been a leader in his community and in Inuit organisations for many years. He also was the MLA for Pond Inlet in the Legislative Assembly of the NWT.

Simon Awa: Mr. Awa was born in the Igloolik area of Nunavut. He considers Pond Inlet his home. He attended Federal Day School (1963-68) and the Churchill Vocational Centre (1968-70). He was involved in land claim negotiations (1970's), and worked for CBC radio (1982-94) where he held positions of announcer, manager and Inuktitut news specialist. He served as President of the Baffin Region Inuit Association from 1979-82. Mr. Awa was appointed Executive Director of the Nunavut Implementation Commission in 1994.

Michael McCracken: Mr. McCracken, founder, Chairman and Chief Executive Officer of Informetrica Limited (founded in 1972), is a senior economic advisor to government agencies, corporations, and associations. His areas of expertise include current and long-term economic and energy policy and forecasting, and the use of quantitative methods in economic analysis. Informetrica Limited produces forecasts on the Canadian economy, and specific industries for clients in the public and private sectors. Informetrica Limited also undertakes economic impact studies, benefit-cost analysis, and other quantitative economic research.

Joe Enook: Mr. Enook was born and raised in Pond Inlet, Nunavut. He attended the Federal Day School there and then travelled to Iqaluit to attend High School. He was the Assistant Manager of the Toonoonik Co-Op Hotel in Pond Inlet prior to becoming the Chairman of the Baffin Divisional Board of Education, a position he held for several years. Mr. Enook has been the Executive Assistant to the President of Nunavut Tunngavik Incorporated since May 1994.

Natsiq Alainga-Kango: Ms. Alainga-Kango was born in Iqaluit, Nunavut, where she currently resides. She has been an office manager for the Hunters and Trappers Association. She is currently a private business person, a Town Councillor and is active in Community Wellness Programs. Ms. Alainga-Kango holds the office of Secretary Treasurer of Nunavut Tunngavik Incorporated (NTI) and in that capacity she is also responsible for the departments of Finance and Cultural Education and Social Development of NTI.

George Berthe: Mr. Berthe was born in Kuujuaq, Nunavik (Northern Quebec) and is currently Executive Assistant to the 2nd Vice-President of Makivik Corporation. He was recruited from High School to work as the Political Assistant to the Chairman of the Kativik Regional Government. He was recently appointed President of the Fundraising Committee assisting Taqramiut Nipingat Incorporated (radio and television corporation of Arctic Quebec). He has been very active in developing a communications system in Nunavik, is a Canadian Ranger, is fluent in Inuktitut and English and is working on his French. He is the 1997 National Aboriginal Achievement Award Youth Recipient.

Joe Attagutaluk: Mr. Attagutaluk was born near Igloolik where he currently resides. He is a member of the Board of Directors of the Igloolik Cooperative and has been Chairperson of the Baffin Divisional Board of Education since 1993. He has a special interest in high quality and culturally relevant education for students in Nunavut.

Jack Kupeuna: Mr. Kupeuna was born at Prince Albert Sound near Holman Island, Northwest Territories. His home is now in Cambridge Bay. He worked for many years as a land claims negotiator and was Vice President for the Tungavik Federation of Nunavut and Vice President of the Kitikmeot Inuit Association. He is working in the construction industry as a trained carpenter and is currently superintendent at the Parnaivik site in Iqaluit for the Nunavut Construction Company.

T. Bert Rose: Mr. Rose resides in Iqaluit. He is an educator with experience at the elementary, secondary, and post secondary levels in the Northwest Territories. He is on leave from an administrative position with Nunavut Arctic College and he is currently employed as the Director of Human Resource Development and Training for the Nunavut Implementation Commission.

Goo Arlooktoo: Mr. Arlooktoo is the MLA for Baffin South and is Deputy Premier of the Northwest Territories. Born in Kimmirut, Nunavut (Lake Harbour) in 1963, he was educated in Kimmirut and Iqaluit before he graduated from the Renewable Resources Technology Program in Fort Smith in 1982. From 1983 to 1986, Mr. Arlooktoo worked for the territorial government as a Renewable Resources Officer in Iqaluit, Pangnirtung, Cambridge Bay and Cape Dorset. In 1987, he became an Assistant to Members of the Legislative Assembly, acting as an advisor to the Nunavut Caucus. He left that position and returned to Kimmirut where he spent one year as an Alcohol and Drug Counselor and freelance interpreter. Prior to becoming an MLA, he served as the Chairman of the Kimmirut Housing Association and the Commanding Officer for the local unit of army cadets.

Laura Gauthier: Ms. Gauthier was born in Iqaluit, Nunavut, and lived in Pangnirtung. She currently lives in Iqaluit. She attended school in Vancouver and is currently working for Nunavut Tunngavik Incorporated as the Manager of Policy Development and Research where she is responsible for issues related to the implementation of Nunavut.

***Integrating Inuit Rights and Public Law
in Nunavut:
a Draft Nunavut Wildlife Act***

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Nunavut Hivumukpalianikhaagut Katimayit
Nunavut Implementation Commission
Commission d'établissement du Nunavut

October 17, 1997

The Hon. Jane Stewart,
Minister,
Department of Indian Affairs and
Northern Development,
Ottawa, Ontario

The Hon. Don Morin,
Premier,
Government of the Northwest
Territories,
Yellowknife, NWT

Mr. Jose Kusugak,
President,
Nunavut Tunngavik Incorporated,
Iqaluit, NWT

Dear Ms. Stewart, Mr. Morin and Mr. Kusugak,

On behalf of the Nunavut Implementation Commission, I am pleased to supply you with a report of the Commission entitled **Integrating Inuit Rights and Public Law in Nunavut: a Draft Nunavut Wildlife Act**.

In its October, 1996, **Footprints 2** report, the Commission made the following points:

"It is now more than three years since the Nunavut Agreement came into force. Even though the federal Cabinet, in approving the Nunavut Agreement, apparently made moneys available to government departments, including GNWT departments, for the updating of the statute books to reflect the agreement, little if any progress appears to have been made. This lack of progress has contributed in no small way to widespread confusion in the minds of members of the Nunavut public as to the state of the law, particularly in relation to wildlife. The confusion appeared to have been evident in the well publicized charges laid in January, 1995, (and recently dropped) against a number of Igloodik hunters, for killing an ailing bowhead whale and distributing the resulting country food among members of the community.

Keeping the law books tidy may strike some observers as more a lawyer's obsession than an average person's concern. It is necessary, however, to see the issue in context. The project of creating Nunavut has been all about making politics and government closer to home. In a contemporary societal context, making politics and government closer to home entails making fundamental laws more intelligible.

This does not, of course, require everyone to have an in-depth understanding of complete shelves of statute books and law texts --- very few people need to have a finger tip familiarity with elevator safety regulations. On the other hand, it is surely not expecting too much that in a place like Nunavut --- where hunting and trapping are an integral part of cultural identity --- there is a fairly good understanding in the population as to the broad features of wildlife laws and a fairly ready access to relevant statutory materials.

*Unfortunately, unless considerable greater bureaucratic energy is invested in the updating of federal and territorial laws to accommodate the **Nunavut Agreement**, the ability of even professional wildlife managers --- let alone members of the public --- to understand the wildlife management regime in post-division Nunavut will be almost impossible. To do so, it will be necessary to go through a series of interpretive challenges that many lawyers would find difficult --- first look at the **Nunavut Act**, then import the wildlife laws of the pre-division NWT as "grandfathered through", then read Article 5 of the **Nunavut Agreement** and, as stipulated by the federal **Nunavut Land Claims Agreement Act**, read down (or out!) all those NWT wildlife laws that conflict or are inconsistent, and then, if any doubt remains, speculate as to the interpretive implications of the protections provided land claims rights under section 35 of the **Constitution Act, 1982**. In liberal democracies, the citizenry has a right to expect that the laws that impact directly on daily life will be available in a reasonably coherent and intelligible form, allowing individuals to order their activities accordingly: every effort needs to be made to ensure that the **Nunavut Agreement** has been given full legislative expression in updated statute books." (pp. 228-29)*

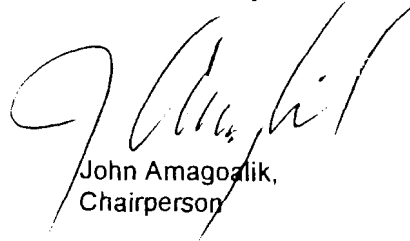
Since the completion of **Footprints 2**, the Commission has applied itself further to the issue of integrating Inuit rights under the **Nunavut Agreement** with the public law of Nunavut by developing a draft **Nunavut Wildlife Act**. The Commission set itself this task for a number of reasons: (1) to test the practicability of revising a key law of general application in order to give full effect to the substance of an important chapter of the **Nunavut Agreement**; (2) to underscore the urgency of legislative revisions and to encourage similar efforts being mounted by the federal and territorial governments; and, (3) to offer something for the first Nunavut Legislative Assembly to look at as a worthwhile legislative project in its early life.

The Commission does not put forward the draft **Nunavut Wildlife Act** contained in this report as an immutable, take-it-or-leave-it solution. Rather, it represents a first cut, illustrative attempt to give contemporary legislative expression to the far-reaching jurisdictional impact of the **Nunavut Agreement** on the way the Nunavut Government will have to go about the sound management of wildlife in Nunavut. Whatever the strong points and defects of the draft

contained in this report, the process of developing the draft has reinforced the belief of the Commission that the integrating of Inuit rights into the public law in Nunavut --- with respect to wildlife and to all other areas of the **Nunavut Agreement** that overlap with laws of general application --- is as feasible as it is desirable.

The Commission would be happy to meet with you to discuss this report.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Amagoalik". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline that extends to the right.

John Amagoalik,
Chairperson

Notes Concerning Draft Nunavut Wildlife Act

Background

The Agreement between the Inuit of the Nunavut Settlement Area ("the Nunavut Agreement") and the federal **Nunavut Land Claims Agreement Act** came into effect simultaneously in July 1993, culminating a process of land claims negotiations that had stretched over the better part of two decades.

Provisions of both the Agreement and the Act address problems of interpretative conflicts and inconsistencies. Together, they establish a clear interpretive hierarchy, with the Agreement prevailing over all federal, territorial and local government laws, and the Act and other implementing legislation having interpretive supremacy over any other laws.

Article 5 of the Agreement speaks to wildlife issues. There are two important dimensions of the Article: wildlife management and Inuit rights to hunt. The Article deals with wildlife management by carving out a central decision making role for a new management body --- the Nunavut Wildlife Management Board --- and by creating enhanced roles for regional and local organizations representing hunters and trappers. Inuit rights to hunt are spelled out in the Agreement so as to give Inuit clear priority of access for food, sports and commercial purposes.

In its wildlife management and Inuit right to hunt dimensions, Article 5 of the Agreement conflicts or is inconsistent with existing federal and territorial legislation in numerous and substantive ways. This is apparent with respect to federal legislation dealing with fisheries and migratory birds. It is also apparent with respect to those terrestrial and other species under the jurisdiction of the Northwest Territories Legislature, and currently governed by the Northwest Territories **Wildlife Act** and its various regulations.

The provisions of the Agreement, and its accompanying implementation contract, contemplate the revision of pre-Agreement federal and territorial laws to accommodate the Agreement. Notwithstanding commitments to re-order the law books to re-state the public law of Canada and the Northwest Territories in ways that reflect the legal impact of the coming into force of the Agreement, neither federal nor territorial laws have been modified so as to "make space" for the Agreement. This has been as true with respect to wildlife management and hunting in the Nunavut area as it is has been with respect to water management and environmental impact assessment and screening. The effect of this has been predictable: even though the Agreement has radically altered the way in which wildlife management must be conducted in the Nunavut area, and the basis on which Inuit hunters effect access to wildlife, the **Wildlife Act** continues to reflect the assumptions of the pre-Agreement world. To use just one example, the **Wildlife Act** operates on the assumption that Inuit hunters in Nunavut will hold general hunting licences issued by the Government of the Northwest Territories, while the Agreement is built around an acknowledgment that Inuit have fundamental rights to hunt that are not predicated on the issuing of hunting privileges from government sources. The disharmony between the world of wildlife management and hunting rights and privileges contemplated by the **Wildlife Act**, and the reformed world fleshed out in the Agreement, has contributed to perplexities and confusions on the part of wildlife managers, hunters, and others interested in understanding the wildlife "rules" in Nunavut.

The Nunavut Agreement was not the first land claims agreement to come into effect in the Northwest Territories. The Inuvialuit of the Beaufort Sea area concluded an earlier agreement that came into effect in 1984. As a result of the Inuvialuit Final Agreement, the **Wildlife Act** was substantially altered by amending legislation in 1994. These alterations took

the form of adding a Part II to the pre-existing act, laying out a management and hunting rights regime for the Beaufort Sea area of the Northwest Territories ("Western Arctic Region") that is at variance with the one that pertains to the rest of the Northwest Territories.

The implementation of the wildlife portions of the Inuvialuit Final Agreement through the addition of a Part II of the **Wildlife Act** carried a significant price. Many fundamental points concerning the management and hunting of wildlife in the Western Arctic Region can only be sorted out by a sustained flipping back and forth between the provisions of Part I and the provisions of Part II. This is an awkward outcome for all those affected.

Whatever the virtues of dealing with the implementation of the wildlife provisions of the Inuvialuit Agreement through the addition of a Part II to the **Wildlife Act**, there is no incentive --- and considerable disincentive --- to take a similar approach to the implementation of the wildlife portions of the Nunavut Agreement. The wildlife portions of the Nunavut Agreement will govern (with minor exception) the entirety of the Nunavut Territory, and the political life of that territory is being organized on the basis of a single set of representative, administrative and judicial institutions dealing with citizens, Inuit and non-Inuit alike. It is desirable to develop a **Wildlife Act** for Nunavut that closely integrates Article 5 of the Nunavut Agreement into a cohesive and comprehensive statement of the law that is relevant and comprehensible both to the public and to the public servants that do its work. The draft Nunavut wildlife statute that follows is motivated by that desire.

It must be recognized that the development of a draft form of an amended version of basic territorial wildlife law is only an initial step in the task of reworking wildlife legislation to accommodate the legal import of the relevant portions of the Nunavut Agreement. The revision of the **Wildlife Act** should be followed up by a review of regulations that flow from that Act. Even more importantly, bringing the territorial law books up to date on these matters must be accompanied by an equal effort on the part of the federal government with respect to wildlife under federal jurisdiction, namely, fish, marine mammals, and migratory birds. Recent litigation involving the allocation of turbot quotas in marine areas adjacent to Nunavut underscores the practical problems that occur in the absence of a concerted and fulsome legislative program to implement the provisions of land claims agreements.

Contents of Draft

The contents of the draft **Nunavut Wildlife Act** that follows reflect a number of editorial judgments:

- * The draft re-states, for both symbolic and interpretive reasons, key principles of wildlife management and conservation identified in the Nunavut Agreement.
- * The draft accommodates a critical distinction made in the Nunavut Agreement between those who have fundamental rights to hunt independently of the discretion of the territorial government to offer or withhold access to wildlife, and those who hunt as a privilege that can be sanctioned or denied by the territorial government through the design and administration of a licensing scheme.
- * The draft builds on the management roles laid out for Hunters and Trappers Organizations and Regional Wildlife Organizations in the Nunavut Agreement.
- * The draft avoids defining the detailed role of the Nunavut Wildlife Management Board, and the rules relating to priorities of access to wildlife for various purposes. The draft does so on the basis that (1) such matters (e.g. how much of a fish allocation should go to an Inuit-sponsored

venture, how much to a competing non-resident venture) need to be understood thoroughly by the experts at the NWMB and the wildlife ministry, but not equally so by hunters and wildlife officers, and (2) Article 5 of the Agreement has, for all intents and purposes, the same force as statute law.

- * The draft reflects the special management challenges that attach to commercial uses of wildlife by attempting to group together provisions that have that focus.
- * The draft attempts to group together proscribed activities which limit hunting activities and which, on their face, appear to be justifiable on the basis of their being legitimate limitations on Inuit hunting preferences, as such limitations are countenanced in the Nunavut Agreement (i.e. justified by considerations of conservation, public health or safety, humane methods of kill). The justifiability of such measures vis-a-vis Inuit rights to hunt are, of course, subject to point-by-point examination.
- * The draft contains general savings provisions, including provisions that respect the interpretive primacy of rights to hunt flowing from the Nunavut Agreement and to non-Inuit aboriginal peoples having aboriginal or treaty rights to hunt in the Nunavut area.
- * The draft attempts to underscore the need for public officials charged with important discretions regarding wildlife issues to act reasonably.
- * The draft attempts to modernize the style and language of the act through such things as the simplification of language (e.g. "licences and permits" become "licences"), and the elimination of some ungainly features (e.g. "clause sandwiches").
- * The draft incorporates some calculated guesses as to meanings in places where the current legislation is vague or ambiguous (e.g. the definition of "camp").

DRAFT
NUNAVUT WILDLIFE ACT

INTERPRETATION AND APPLICATION

Definitions 1. (1) In this Act, except where the context otherwise requires,

"acquire" includes to buy, barter, exchange, receive as a gift, import and deal in;

"big game" means wildlife of a genus listed in Schedule _____;

"camp" means

(a) a tourist establishment, other than a boat, as defined in the *Travel and Tourism Act*,

(b) a tent, cabin, mobile unit or other accommodation outside the limits of a settlement or municipality used to house a person who is engaged in industrial, commercial, educational or research activity,

(c) the area immediately surrounding a place mentioned in paragraph (a) or (b), and

(d) an area serving a place mentioned in paragraph (a) or (b) as a place for refuse disposal,

but does not include a trapper's or outfitter's camp;

"dispose" includes to sell, barter, exchange, give, export and deal in;

"dress" includes to de-hair, skin, flesh, tan and dye;

"firearm" includes any device that fires missiles by means of explosives, compressed air or springs;

"furbearer" means wildlife of a genus listed in Schedule _____;

"game" means big game, furbearers and small game, but does not include skin, with or without the pelage, that has been dressed by using a tanning agent and then worked into a soft and pliable leather condition;

"game preserve" means an area listed in Schedule _____;

"habitat" means air, soil, water, food, cover and all the other components of the natural environment of wildlife;

"hunt" means to worry, lie in wait for, flush, follow on the trail of, chase, capture, trap, wound or kill, or attempt to do any of those things, but does not include the pursuit of wildlife for the sole purpose of observing it or of recording its image or cry;

"Hunters and Trappers Organization" means an organization that qualifies as such under the Nunavut Agreement;

"Inuit" means those persons enrolled from time to time under the Nunavut Agreement, and "Inuk" means one such person;

"licence" means

(a) a class of licence established under this Act,
or

(b) a licence issued under this Act;

"manufactured product" means wildlife prepared

(a) for use as or in a garment;

(b) for use as or in an article to be sold; or

(c) by a tanning or taxidermy process;

"Minister" means the Minister of the Nunavut Government responsible for wildlife;

"Ministry" means the ministry of the Nunavut Government responsible for wildlife;

"non-resident" means a Canadian citizen or landed immigrant who is not a resident;

"non-resident alien" means an individual who is neither a resident nor a non-resident;

"Nunavut Agreement" means the land claims agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada, signed on May 3, 1993, and includes any amendments to that agreement;

"Nunavut Wildlife Management Board" means the body of that name established under the *Nunavut Land Claims Agreement Act* (Canada);

"officer" means an individual appointed as a wildlife officer under subsection 84(1) or an individual deemed to be a wildlife officer, by virtue of that person's office, under subsection 84(2);

"open season" means the prescribed season during which wildlife of a relevant species may be lawfully hunted;

"raw hide" means all or part of the skin, with or without the pelage, of big game that is in an unprocessed or incompletely processed state;

"raw pelt" means the skin, with or without the pelage, of a furbearer or small game that is in an unprocessed or incompletely processed state;

"Regional Wildlife Organization" means an organization that qualifies as such under the Nunavut Agreement;

"resident" means a Canadian citizen or landed immigrant living in Nunavut at the relevant date and who has lived there continuously for the two years immediately preceding that date;

"small game" means wildlife of a genus listed in Schedule ____;

"Superintendent" means the individual appointed Superintendent of Wildlife under section 83;

"upland game bird" means wildlife of a genus listed in Schedule ____;

"vehicle" means a conveyance that is propelled by means other than the muscular power of humans or animals but does not include any prescribed conveyance;

"vendor" means an officer or other person who may issue a licence under section 88;

"waste" includes to destroy, abandon and allow to spoil;

"wildlife" means a vertebrate, except a fish as defined in the *Fisheries Act* (Canada), that in its natural range is found wild in nature and is naturally occurring in Nunavut, and includes any part or egg of that vertebrate;

"wildlife preserve" means an area listed in Schedule _____.

Residency
while student

(2) For the purposes of this Act, a person resident in Nunavut, who leaves Nunavut to attend an educational institution outside Nunavut, shall be deemed to continue to be resident in Nunavut.

References to
wildlife

(3) Except where the context otherwise requires, any reference in this Act to wildlife includes reference to dead wildlife.

Genus

(4) Except where the context otherwise requires, any reference in this Act to a genus of wildlife includes reference to the order or family of wildlife to which that genus belongs.

(5) Except where the context otherwise requires, any reference to this Act includes reference to its regulations.

Inconsistency
with Nunavut
Agreement

2. This Act shall be construed to avoid any inconsistency or conflict with the Nunavut Agreement.

Inconsistency
with *Nunavut
Act*

3. This Act shall be construed to avoid any inconsistency or conflict with any provisions of the *Nunavut Act* (Canada), including any rights protected under section 24 of that Act.

WILDLIFE MANAGEMENT

Conformity
with Nunavut
Agreement

4. Wildlife management in Nunavut shall be conducted in conformity with the Nunavut Agreement, including provisions of the Agreement dealing with

- (a) Inuit hunting rights;
- (b) the allocation of access to game;
- (c) the role of the Nunavut Wildlife Management Board; and
- (d) the roles of Regional Wildlife Organizations and Hunters and Trappers Organizations.

Principles
of
wildlife
manage-
ment

5. Without limiting the generality of section 4, wildlife management in Nunavut shall be conducted in accordance with the following principles:

- (a) Inuit are the traditional and current users of wildlife;
- (b) the legal rights of Inuit to hunt wildlife flow from their traditional and current use;
- (c) the Inuit population is steadily increasing;
- (d) a long-term, healthy, renewable resource economy is both viable and desirable;
- (e) there is a need for an effective system of wildlife management that complements Inuit hunting rights and priorities, and recognizes Inuit systems of wildlife management that contribute to the conservation and protection of wildlife habitat;
- (f) there is a need for systems of wildlife management and land management that provide optimum protection to the renewable resource economy;
- (g) the wildlife management system and the exercise of Inuit hunting rights shall be governed by and subject to the principles of

conservation;

(h) there is a need for an effective role for Inuit in all aspects of wildlife management, including research; and

(i) Government retains the ultimate responsibility for wildlife management.

Principles
of
conservation

6. In the conduct of wildlife management in Nunavut, the following principles of conservation shall be pursued

(a) the maintenance of the natural balance of ecological systems;

(b) the protection of wildlife habitat;

(c) the maintenance of vital, healthy, wildlife populations capable of sustaining hunting needs; and

(d) the restoration and revitalization of depleted populations of wildlife and wildlife habitat.

7. (1) In order to facilitate wildlife management, the Commissioner, on the recommendation of the Minister, may by regulation divide Nunavut into wildlife management units.

Wildlife
management
units

(2) The Commissioner, on the recommendation of the Minister, may by regulation designate all or part of any wildlife management units as

Regions

(a) a wildlife management zone;

(b) a wildlife sanctuary or a bison sanctuary;

(c) a wildlife preserve;

(d) a wildlife management area;

(e) a critical wildlife area; and

(f) a special management area.

(3) Any region designated under subsection (2) may overlap with any other region designated

under that subsection.

Regulation of
region

8. The Commissioner, on the recommendation of the Minister, may by regulation establish special wildlife management measures for any region designated under section 7, including measures for the control or prohibition of hunting or access.

Fur
management
designations

9. (1) The Commissioner, on the recommendation of the Minister, may by regulation designate

- (a) a region as a fur management unit;
- (b) any portion of a fur management unit as a fur management zone; and
- (c) any portion of one or more fur management zones as a fur management area.

Fur
management
measures

(2) The Commissioner, on the recommendation of the Minister, may by regulation establish wildlife management measures relating to furbearers in any unit, zone or area designated under subsection (1).

Hunting for
special
purposes

10. Notwithstanding anything in this Act, the Superintendent may, for the purposes of wildlife management, wildlife research or the protection of life or property, authorize an officer, or any person under the supervision of an officer, to use hunting methods and scientific procedures that would otherwise be contrary to this Act.

Liability for
trespass

11. (1) Subject to subsection (2), a person engaged by the Ministry in wildlife management may, in the course of that person's work, enter on and pass over any private lands without being liable for trespass.

Wilful
or
negligent
damage

(2) A person referred to in subsection (1) is liable for any damage wilfully or negligently done or caused while entering on or passing over private lands.

Nuisance
wildlife

12. In the interests of wildlife management, the Commissioner, on the recommendation of the

Minister, may by regulation declare any wildlife within a prescribed region to be nuisance wildlife and may prescribe methods of controlling the wildlife that would otherwise be contrary to this Act.

Dangerous
wildlife

13. An officer or a person authorized in writing by an officer may kill or destroy wildlife at any time and by any means where the officer or person has reasonable grounds to believe that the wildlife is

(a) endangering public safety;

(b) endangering property; or

(b) wounded or diseased.

Use of
wildlife
for
manage-
ment
purposes

14. An officer or any person authorized in writing by an officer, may use wildlife, of a kind and quantity specified in any authorization, for the purposes of wildlife management.

Agreements

15. The Commissioner may enter into agreements with the Government of Canada, or the government of a province or territory, respecting wildlife management, research or habitat.

PERSONS WHO MAY HUNT IN NUNAVUT

Persons
who may
hunt

16. (1) The following persons may hunt in Nunavut

(a) an Inuk exercising a right or privilege to hunt under the Nunavut Agreement;

(b) an aboriginal person, other than an Inuk, exercising an aboriginal or treaty right to hunt; and

(c) a person with a privilege to hunt under a licence exercising that privilege in conformity with the conditions attached to that licence.

Persons
not
permitted

(2) No person, other than a person described in subsection (1) or otherwise permitted under this Act, shall hunt in Nunavut.

LICENCES

Establishing
classes of
licences

17. (1) The Commissioner, on the recommendation of the Minister, may by regulation

(a) establish classes of licences and set out those things that the holder of any class of licence is permitted or not permitted to do; and

(b) set out qualifications for the holding of any class of licence.

Things
permitted
may vary

(2) Without limiting the generality of paragraph (1)(a), things permitted or not permitted to do under classes of licences may vary according to

(a) the kind, quantity, age, sex, and size of wildlife that may be hunted;

(b) the times, days, seasons or years when hunting is permitted;

(c) the areas and locations where wildlife may be hunted;

(d) methods of hunting that may be employed;

(e) the handling, transportation and disposition of wildlife reduced into possession; and,

Qualifications
may vary

(e) any other matters relevant to the principles of wildlife management.

(3) Without limiting the generality of paragraph (1)(b), qualifications for holding any class of licence may vary according to whether or

not an applicant is

(a) an Inuk;

(b) an aboriginal person;

Privileges
may be
altered

(c) a resident, non-resident or non-resident alien;

(d) the holder of any other licence; and

Condition
Of
compliance

(e) a person who has been convicted of an offence in relation to hunting.

Establishing
fees

(4) The privileges that attach to any class of licence are subject to alteration in accordance with this Act and any such alteration shall not give rise to any claim for compensation.

(5) It is a condition of every licence that the holder comply with all the provisions of this Act.

18. The Commissioner, on the recommendation of the Minister, may by regulation establish fees to be charged for the issuing of licences and such fees may vary according to their class.

Issuing
by vendor

19. Subject to section 21, a licence may be issued only by a vendor.

Application
for licence

20. (1) Every person seeking a licence shall submit an application for that licence that

(a) is in the form approved by the Superintendent;

(b) sets out the information that the Minister may reasonably require, including any information about the applicant concerning

(i) citizenship status,

(ii) place of residence,

(iii) any previous licences, and

(iv) any previous hunting offence convictions.

(c) is accompanied by the prescribed fee.

Further information

(2) An applicant for a licence shall furnish such further information as a vendor considering the application may reasonably request.

Security

(3) The Minister may require an applicant to furnish a bond or other form of security to ensure due observance of this Act and any conditions of the licence.

Prohibition of duality

(4) Except where a licence is lost and a replacement issued, no person is eligible to hold at any time more than one licence to hunt of the same class and no person shall apply for such an additional licence.

Issue of licence

21. (1) Subject to this Act, a vendor shall issue a licence to an applicant where

(a) the applicant has proved to the satisfaction of the vendor that the applicant is eligible to hold the licence; and

(b) the vendor has no reasonable grounds to deny the application.

Appeal

(2) An applicant whose application has been rejected may appeal in the prescribed manner against the rejection to the Superintendent, and the Superintendent shall issue the licence to the applicant if the Superintendent is satisfied that reasonable grounds do not exist to reject the application.

Further appeal

(3) An applicant for a licence whose appeal to the Superintendent has been unsuccessful, may further appeal the rejection to a judge of the Supreme Court, who

(a) may, if satisfied that no reasonable grounds exist to reject the application, order the Superintendent to issue the licence; or

(b) may deny the appeal.

Refund of fee

22. Subject to this Act, no fee paid for a licence

shall be refunded unless the application for the licence is rejected.

Name of holder on licence

23. (1) No vendor shall issue, and no person, other than a vendor, shall possess a licence on which the name of the licence holder does not appear.

Signature of holder

(2) Every person to whom a licence is issued shall, without delay after receiving it, sign his or her name in the space provided for that purpose, and no licence is valid until and unless it is so signed.

Transfer

24. (1) No person who holds a licence shall make or attempt to make, an assignment of that licence, in whole or in part, to any other person.

Taking of transfer

(2) No person shall take or attempt to take an assignment, in whole or in part, of a licence.

Hunting by non-residents

25. (1) A non-resident or non-resident alien shall keep any licence on his or her person while hunting.

Examination of licence

(2) On being requested by an officer to do so, a licence holder shall without delay produce that licence to the officer for examination.

Where licence not available for examination

(3) Notwithstanding subsection (2), where a licence holder who is a resident cannot produce the licence when a request for it is made by an officer, the holder shall, within 48 hours after the request, produce the licence to the officer or to another person that the officer may designate.

Suspension by Superintendent

26. (1) Where the Superintendent believes, on reasonable grounds, that a person holding a licence has contravened any of its conditions, the Superintendent may suspend the licence for a period that the Superintendent thinks fit.

Restriction on suspension

(2) The Superintendent shall not suspend under subsection (1) a licence referred to in subsection 29 (1) that the justice making the conviction has refrained from suspending.

Appeal to justice

(3) A person whose licence has been suspended

under subsection (1) may appeal to a justice who

(a) shall order the Superintendent to remove the suspension if the Superintendent fails to prove a contravention; or

(b) may, notwithstanding proof of a contravention, order the Superintendent to reduce the period of the suspension to a period that the justice thinks fit.

Appeal to
Supreme Court

(4) A decision of a justice under subsection (3) may be appealed by the Superintendent or the person whose licence was suspended under subsection (1) to a judge of the Supreme Court who may confirm, vary or quash the decision of the justice.

General
cancellation,
suspension
or
prohibition

27. Where the Minister considers that a species of wildlife is in danger, the Minister may by order

(a) cancel or suspend, for a period the Minister thinks fit, licences so far as they relate to the endangered species;

(b) prohibit the issue or renewal of licences so far as they relate to the species, until the Minister directs otherwise; or

(c) attach conditions to licences that the Minister thinks necessary for the conservation of the species.

Surrender of
licence

28. Where a licence is cancelled or suspended under section 27, the holder shall without delay surrender it to the Superintendent who shall, in the event of any cancellation or suspension being removed, return it without delay to the holder or furnish the holder with a new licence.

Power of
justice on
conviction

29. (1) Where a person is convicted of an offence under this Act, the justice making the conviction may

(a) cancel any licence held by that person;

(b) suspend any licence held by that person for the period that the justice thinks fit; and

(c) prohibit the issue or renewal of any licence to that person within the period of time, not exceeding five years, that the justice thinks fit.

Surrender and transmittal of licence

(2) Where a licence is cancelled or suspended under subsection (1), the holder shall without delay surrender it to the justice making the conviction and the justice shall mark it cancelled or suspended and transmit it to the Superintendent.

Appeal

(3) A person convicted of an offence under subsection (1) may appeal a decision of the justice to a judge of the Supreme Court who may direct the Superintendent to remove the cancellation, suspension or prohibition against the issue or renewal of any licence to that person, where the judge determines that

(a) the offence committed was not sufficiently serious to warrant the cancellation, suspension or prohibition; or

(b) the cancellation, suspension or prohibition would seriously and unfairly affect the person's livelihood or the well-being of the person's dependents.

Removal of cancellation, etc.

(4) The Superintendent shall remove the cancellation, suspension or prohibition of a licence if the conviction precipitating such cancellation, suspension or prohibition is quashed on appeal.

Statement of licence holder

30. The Superintendent may require a person whose licence is suspended or cancelled under section 27 to furnish the Superintendent within 30 days with a true statement of the number and species of wildlife killed or captured under the licence.

Transmittal of licence and statement

31. (1) The holder of a licence to hunt shall, not later than 30 days after its expiration, transmit the licence to an officer together with a true statement of the number and species of wildlife killed or captured under the licence.

Statement

(2) Where a person is unable to transmit the licence under subsection (1), the person shall nevertheless send the statement referred to in

subsection (1) to an officer.

Age qualification **32.** (1) Subject to this section, no licence shall be issued to a person who has not attained the age of 16 years.

Exception (2) A licence may be issued to a person who has not attained the age of 16 years who satisfies the Superintendent that the person

(a) needs to hunt to for personal or family sustenance; and

(b) is sufficiently mature to hunt without assistance or supervision.

Small game licence exception (3) A licence permitting a person to hunt small game may be issued to a minor who has attained the age of 14 years but has not attained the age of 16 years if that person's parent or guardian

(a) holds a licence that permits the hunting of small game; and

(b) the parent or guardian endorses the application by the minor for the licence.

Condition of minor's licence (4) It is a condition of any licence issued under subsection (2) or (3) that a parent or guardian who endorses the application accompany the minor at all times when the minor is hunting.

Liability of parent or guardian (5) A parent or guardian who endorses an application for a licence under subsection (2) or (3) shall take all steps necessary to ensure that the minor complies with this Act.

Licence to institutions **33.** (1) The Minister may, with the approval of the local Hunters and Trappers Organization, issue to a person operating an educational institution or correctional centre a licence to conduct a hunting program.

Prohibition (2) No person shall, for valuable consideration, establish or carry out any course of instruction in which wildlife is hunted unless that person holds a licence issued under subsection (1).

COMMERCIAL ACTIVITIES

Commercial
hunting

34. Except as may be authorized under the by-laws of a Regional Wildlife Organization or Hunters and Trappers Organization, or otherwise permitted under the Nunavut Agreement, no person shall, in exchange for valuable consideration,

(a) hunt big game or upland game birds, on behalf of another person; or

(b) engage, or seek to engage, another person to hunt big game or upland game birds on his or her behalf.

Guide licence

35. (1) No person shall act, or offer to act, as a guide for hunters, in exchange for valuable consideration, unless approved by a Hunters and Trappers Organization in accordance with any qualifications established by the Nunavut Wildlife Management Board.

Prohibition
respecting
guides

(2) No person shall act as a guide for a person who does not hold a licence to hunt big game.

Prohibition
against
hunting

(3) Subject to subsection (4), no guide shall wound or kill wildlife, or attempt to kill or wound wildlife, while guiding a hunter.

Right of guide
to kill wildlife

(4) Where a hunter has lawfully wounded wildlife and it appears that the wildlife may escape, a guide may, if requested to do so by the hunter, assist the hunter in retrieving the wildlife or kill the wildlife.

Outfitter
licence

36. (1) No person shall, for valuable consideration, provide, or offer to provide, guides or equipment to persons hunting or seeking to hunt big game or upland game birds unless that person holds an outfitter's licence and all such guides are authorized to act as guides.

Authority
of hunter

(2) An outfitter shall not outfit a person unless the person is licensed or otherwise authorized to hunt the wildlife in respect of which the outfitting is being done.

Disposition
by Inuit

37. (1) Subject to subsection (2), an Inuk may freely dispose, either inside or outside Nunavut, any wildlife lawfully harvested.

(2) The Commissioner, on the recommendation of the Minister, may by regulation require an Inuk to obtain a licence to transport wildlife outside Nunavut.

Trafficking in
wildlife

38. (1) Subject to this Act, no person shall dispose of any wildlife or the nest of a wildlife bird, or produce a manufactured product.

Inedible parts

(2) Subject to subsection (3), where big game, small game or furbearers have been killed lawfully a person may dispose or acquire the inedible parts of that wildlife.

Wildlife killed
for
preservation
of life
or property,
humane end

(3) Where a person lawfully kills wildlife in order to preserve of life or property, or to put a humane end to wildlife that is suffering pain, the person shall not dispose of the wildlife but comply with subsection 53 with respect to it.

Serving meat
of game

39. Subject to this Act, no person shall serve as a meal or part of a meal big game or upland game birds at any place other than a private residence without a licence permitting that person to do so.

Transport
within
Nunavut

40. Subject to this Act, no person shall transport wildlife within Nunavut unless

- (a) the wildlife was lawfully captured or killed;
- (b) the wildlife consists wholly of hides or pelts of wildlife lawfully killed;
- (c) the wildlife is a manufactured product; or
- (d) the person has a licence permitting that person to transport wildlife within Nunavut.

Export
of wildlife

41. (1) Subject to this Act, no person shall export out of Nunavut, or receive for export from Nunavut, any wildlife other than a manufactured product to a place outside Nunavut unless the shipment has

attached to it an export licence issued under this Act that contains a true statement of the species and quantities of wildlife being exported.

Import
of wildlife

(2) Subject to this Act, no person shall import into Nunavut any live vertebrate that in its natural range is found wild in nature anywhere, unless

(a) that person has a licence permitting such import; or

(b) the vertebrate is a prescribed animal.

Export licence

42. (1) An export licence for the export of the meat of game may be issued to

(a) the person who has lawfully killed the game by other than under the authority of a commercial tag; or

(b) a person licensed to deal in the meat of game.

Discretion of
Minister

(2) The issuance of an export licence to a person licensed to deal in the meat of game shall be at the discretion of the Minister.

Requirements
for licence

(3) Notwithstanding subsection (2), an export licence shall not be issued to a person licensed to deal in the meat of game, unless

(a) the game was taken under the authority of a commercial tag; or

(b) the game is prescribed as game whose meat may be exported under this section.

What licence
authorizes

(4) An export licence authorizes the person named in the licence to export the meat of game only in prescribed quantities.

Raw pelts
and
hides

43. (1) Subject to this Act, no person shall, for valuable consideration, dispose, acquire or possess raw pelts or raw hides.

Persons
permitted
to deal

(2) Subsection (1) does not apply to

(a) a person who holds a fur dealer licence or a

in raw pelts
and hides

travelling fur dealer licence; or

(b) a licensed fur farmer, with respect to the raw pelts of furbearers lawfully raised on the farm specified in the fur farmer's licence.

Acquisition or
purchase for
sole use

(3) A person may acquire and possess, for the sole use of that person or that person's dependents, prescribed quantities of raw pelts or raw hides.

Tanners

44. (1) Subject to this Act, no person shall, for valuable consideration, dress the pelt or hide of wildlife unless the person holds a licence that so permits.

Lawfully
killed wildlife

(2) A person may dress the pelt or hide of wildlife that the person has lawfully killed.

Licensed fur
farmer

(3) A licensed fur farmer may skin and flesh the pelts of furbearers lawfully raised on the farm specified in the fur farmer's licence.

Taxidermists

45. Subject to the Act, no person shall, for valuable consideration, preserve, stuff or mount wildlife unless the person holds a licence that so permits.

Limitation on
licence of
tanner or
taxidermist

46. The licence of a tanner or taxidermist does not authorize the holder of the licence to dispose of raw pelts or raw hides until they have been preserved, stuffed or mounted in accordance with processes standard to their businesses.

Game farm
Licence

47. No person shall establish, own or operate a game farm unless licensed to do so.

PROSCRIBED ACTIVITIES

No contra-
vention of
Act

48. No person shall hunt in contravention of this Act.

Inuit
hunting
under
Nunavut
Agreement

49. (1) No Inuk exercising a right or privilege to hunt under the Nunavut Agreement shall hunt in

excess of the rights and privileges set out in that Agreement.

Hunting
within
by-laws

(2) Without limiting the generality of subsection (1), no member of a Hunters and Trappers Organization shall hunt in contravention of the by-laws of a Regional Wildlife Organization or Hunters and Trappers Organization.

Aboriginal
person
exercising
rights

50. No aboriginal person, other than an Inuk, exercising an aboriginal or treaty right to hunt, shall hunt in excess of that aboriginal or treaty right.

Hunting
without
licence

51. No person required to hold a licence to hunt shall hunt without such licence.

Hunting
contrary to
conditions

52. No person holding a licence shall contravene any of the conditions of that licence.

Unlawful
possession of
wildlife

53. (1) No person shall be in possession of any wildlife in contravention of this Act.

Deemed
possession

(2) For the purpose of subsection (1), a person shall be deemed to be in possession of wildlife who knowingly

(a) has an interest in that wildlife, regardless of where the wildlife is located or who is in control of it; or

Wildlife
found in
camp or
vehicle

(b) has confined wildlife to any place wholly or partly owned or controlled by that person.

(3) Where big game or upland game birds are found dead in captivity or confinement in a camp or in a vehicle used wholly or partly in connection with the operation of a camp, the owner or person otherwise in charge of the camp or vehicle shall be deemed to be in possession of wildlife for the purposes of subsection (1).

Acquisition
without
authority

(4) A person who acquires prescribed wildlife without the authority of a licence shall without delay report the acquisition to an officer and

(a) give the officer the wildlife; or

(b) advise the officer where the wildlife is located.

Evidence of age, sex and species

54. (1) Where by regulation the hunting of big game in a certain region is controlled by reference to age, species, or species and sex, a person shall not mutilate or destroy any of those prescribed parts that evidence the age, species, or species and sex, as the case may be, of big game hunted in that region until the game has been transported to that person's residence or to the place where the person intends that it be consumed.

Possession of parts

(2) No person shall possess big game that has been subjected to any act in contravention of subsection (1).

Wildlife sanctuaries

55. (1) No person, other than an Inuk, shall

- (a) hunt in a wildlife sanctuary;
- (b) without the authority of the Superintendent, be in possession of wildlife or nests that were acquired in a wildlife sanctuary; or
- (c) possess in a wildlife sanctuary a bow or crossbow.

Evidence

(2) The possession of any article mentioned in paragraph (1)(b) in a wildlife sanctuary is, in the absence of evidence to the contrary, proof that the article was acquired in that sanctuary.

(3) The Commissioner, on the recommendation of the Minister, may by regulation restrict hunting by Inuit in wildlife sanctuaries.

Hunting in wildlife preserve

56. (1) Subject to this section, no person other than an Inuk shall hunt wildlife in a wildlife preserve.

Exception

(2) The Commissioner may, on the recommendation of the Minister, by regulation authorize hunting activities within wildlife preserves by holders of licences.

Restriction on

(3) The Commissioner may, on the

Inuit hunting recommendation of the Minister, by regulation restrict hunting by Inuit in wildlife sanctuaries.

Prohibited substances and equipment 57. (1) No person shall use or possess while hunting

(a) any drug, poison or other substance that is harmful or lethal to wildlife if brought in contact with, consumed or absorbed by the wildlife, and is of a kind that can be used in any manner for hunting;

(b) a set gun or other mechanism designed to discharge missiles by mechanical means;

(c) a four or eight gauge shotgun;

(d) an automatic firearm of any description that is capable of firing more than one missile during one pressure of the trigger;

(e) any recorded game calls or sounds or any mechanically or electrically operated calling device of any description; or

(f) any prescribed equipment.

Permitted use (2) The Superintendent, where the Superintendent considers it necessary for proper wildlife management, may by licence authorize an officer or other person to hunt by means of any article mentioned in the licence that would otherwise be prohibited by subsection (1).

Hunting from vehicle 58. (1) No person shall hunt, or assist another person to hunt, from or with a vehicle.

Air to ground communication (2) No person shall use or attempt to use an aircraft to communicate by any means from the air to a person on land or water, information about the location of wildlife with the intention that the information be used for the purposes of hunting.

Permitted activities (3) Subject to subsection (2), subsection (1) does not prohibit the use of a vehicle to search for wildlife or to transport lawfully obtained wildlife.

Dogs 59. (1) No person shall use a dog to hunt big game

other than polar bear, wolverine or prescribed big game, or allow a dog under that person's ownership or control to run free and pursue such big game.

Transportation
by dogs

(2) Subsection (1) does not prohibit the use of a dog solely for transportation purposes.

Right to kill
dogs

(3) Where there is a contravention of subsection (1), an officer may kill the dog in question if the officer is unable to capture it.

Discharge of
firearm

60. No person shall

(a) discharge a firearm within or from a vehicle;

(b) discharge a firearm from, or cause the missile from a firearm to pass along or across, the travelled portion of a road to which the public has a right of access; or

(c) have in or on a vehicle a firearm that has a live shell or cartridge in the barrel, breech or firing compartment.

Dangerous
hunting

61. No person shall hunt wildlife without due regard for the safety of other persons and property.

Harassment of
wildlife

62. (1) Subject to subsection (3), no person shall without a licence permitting that person to do so

(a) chase, weary, harass or molest wildlife without intending to capture or kill it;

(b) engage in any activity that is likely to result in a significant disturbance to a substantial number of wildlife animals;

(c) break into, destroy or damage any den, beaver dam or lodge or muskrat push-up outside any municipality or prescribed area, unless authorized to do so by the regulations or any other law; or

(d) destroy, disturb or take the eggs or nests of any birds mentioned in the prescribed schedule.

Commis-
sioner's

(2) The Commissioner has a right of action

right of
action

against any person who wilfully or negligently and without legal justification destroys or damages any habitat, and the Commissioner may recover damages for any costs that the Government of Nunavut may be required to expend to restore the habitat to or near to its original state.

Bears

(3) A person may chase a bear away from a municipality, camp or settlement or its immediate vicinity where that action is necessary to preserve life or property and makes it unnecessary to kill the bear, and a vehicle may be used in that chase.

Wounded
wildlife

63. Any person who wounds wildlife shall make every reasonable effort to retrieve it.

Prohibited
equipment for
big game
hunting

64. (1) No person shall, unless authorized by the regulations,

(a) hunt big game except with a firearm, a bow and arrow that comply with subsection (3) or a crossbow; or

(b) use for the purpose of hunting big game

(i) rim-fire ammunition,

(ii) ammunition of less than 0.23 calibre,

(iii) ammunition with an empty cartridge case measuring less than 44 mm in length,

(iv) ammunition containing non-expanding or steel-jacketed bullets, or

(v) ammunition known as tracer.

Bait for big
game

(2) No person shall set out bait for big game, other than furbearers, without a licence permitting that person to do so.

Bow and
arrow

(3) A bow referred to in paragraph (1)(a) must have at least 20 kg draw weight at 700 mm draw and the arrow for it must have a broadhead point width of at least 25 mm at its widest point or an unbarbed three bladed bodkin head and must not contain any explosive material.

Ammunition
for hunting
polar bear

65. No person shall for the purpose of hunting polar bear, use any ammunition that produces less than 2,800 joules of energy at the muzzle of the firearm.

Hunting small
game

66. No person shall hunt small game

(a) by any means other than a firearm, bow, net, snare, deadfall or trap; or

(b) with a shotgun of any description that can hold more than three shells in the magazine and firing chamber combined.

Furbearers

67. (1) No person shall hunt furbearers by any means other than a firearm, snare, deadfall or trap.

Bait

(2) No person shall, without a licence, set out or use the meat of big game suitable for human consumption, other than the meat of bear, wolf, wolverine or coyote, as bait for the purpose of hunting furbearers.

Interference
with traps

68. No person other than an officer shall remove, molest, spring or otherwise interfere with any contrivance lawfully set by another person for the purpose of hunting furbearers.

Removal and
setting of traps

69. A person who uses contrivances to hunt furbearers shall remove, spring or render harmless every contrivance used by that person before or on the last day of each open season and shall not set them before the first day of an open season.

Possession of
falcons

70. No person shall be in possession of a bird of the order *falconiformes* or any part of a bird of that order without a licence permitting that person to be in possession of it.

Capture

71. (1) No person shall capture live wildlife mentioned in Schedule _____ unless that person is licensed to do so.

Captive
wildlife

(2) No person shall keep captive, or feed for the purpose of keeping captive, any wildlife

mentioned in Schedule _____, unless authorized to do so by a licence.

Exception (3) This section does not apply to animals included under the category of non-game animals in Schedule _____.

Prohibition of wastage 72. (1) Subject to this Act, no person shall waste

- (a) big game, other than bear, wolf, coyote or wolverine, that is fit for human consumption;
- (b) an upland game bird that is fit for human consumption; or
- (c) a raw pelt or raw hide of a furbearer.

Prohibition against feeding (2) Subject to subsection (3), no person shall feed wildlife described in paragraphs (1)(a) or (b) to any domestic animal or captive wildlife held for commercial purposes.

Exception for certain dogs (3) A person may feed big game or upland game birds to dogs used for transportation at any time when they are being used for transportation and are at least 8 km from a municipality or settlement.

Impersonation of officer 73. (1) No person, not being an officer, shall, with intent to deceive,

- (a) wear the uniform of an officer;
- (b) wear the badge of an officer;
- (c) carry the identification or certificate of appointment of an officer; or
- (d) impersonate an officer.

Exercise of powers of officer (2) No person without lawful authority shall attempt to exercise any of the powers of an officer.

Obstructing officer 74. No person shall obstruct an officer in the lawful execution of that officer's duties under this Act.

Interference with lawful hunting 75. No person, other than a person authorized by law to do so, shall interfere with the lawful hunting of wildlife for the purpose of disrupting the hunting of that wildlife.

Use of licence of another person 76. No person shall possess a licence issued to another person and

(a) claim to be that other person; or

(b) attempt to exercise any privileges carried by the licence which that person would not otherwise have.

Inducement, aiding and abetting 77. No person shall knowingly induce, aid or abet or attempt to induce, aid or abet another person to commit an offence under this Act.

False information 78. (1) No person shall make or give false or misleading entry, statement, particulars or information in an application for a licence or in any form, book, record or other document required by this Act.

Vendor (2) No vendor shall falsify an application for a licence on behalf of another person.

Signs 79. (1) No person, other than an officer or a person authorized in writing by an officer, shall

(a) post any sign relating to this Act; or

(b) remove, deface, destroy or knock down any sign relating to this Act.

Order to remove sign (2) A person who posts a sign contrary to subsection (1) shall without delay remove it on being ordered to do so by an officer.

Removal by officer (3) An officer or a person authorized in writing by an officer may remove a sign posted contrary to subsection (1).

Obliterating marks 80. Subject to this Act, no person shall obliterate, spoil, alter or duplicate

(a) any stamp, tag, brand or other identifying mark that has been placed on wildlife by an officer or a person authorized by an officer; or

(b) any signature placed on any document that relates to this Act.

Refuse

81. (1) No person shall in any place outside a municipality or settlement store, deposit or allow to accumulate any refuse in a manner that

(a) substantially alters the habitat in that place or its immediate vicinity, or

(b) attracts or is likely to attract wildlife to that place or its vicinity.

(2) Subsection (1) does not apply to a refuse dump situated in the vicinity of a municipality or settlement that serves the whole or a substantial part of that municipality or settlement.

Wildlife
census,
survey,
etc.

82. No person, other than a person having a licence to do so or on the instructions of the Superintendent or an officer, shall

(a) conduct an aerial, ground or aquatic census or survey of wildlife or wildlife behaviour;

(b) administer drugs to wildlife;

(c) collect or purchase specimens of wildlife;
or

(d) carry out any scientific research relating to wildlife.

ADMINISTRATION

Powers and
duties of
Minister

83. (1) The Minister may exercise the powers conferred and shall perform the duties imposed on the Minister by this Act and may delegate any of these powers or duties to the Superintendent.

Superintendent (2) A public officer shall be appointed by the Minister to be the Superintendent.

Powers and duties of Superintendent (3) The Superintendent may exercise the powers conferred and shall perform the duties imposed on the Superintendent by this Act.

(4) The powers and duties of the Superintendent under this Act may be performed and exercised by the Minister.

Appointment of wildlife officers 84. (1) The Minister may appoint persons to act as wildlife officers.

Wildlife officers by virtue of other offices (2) The following persons are, by virtue of their offices, wildlife officers:

(a) all members of the Royal Canadian Mounted Police;

(b) all fishery officers appointed under subsection 5(1) of the *Fisheries Act* (Canada);

(c) the elected heads of Hunters and Trappers Organization; and

(d) the Superintendent.

Powers and duties of officers (3) Officers may exercise the powers conferred and shall perform the duties imposed by this Act.

Oaths, affidavits (4) An officer may administer all oaths and affirmations and take and receive all affidavits and statutory declarations required under this Act and certify the administration or taking or receiving of them.

Wildlife guardians 85. The Minister may appoint wildlife guardians from persons residing within any region whose duties shall be imposed by the Superintendent and restricted to that region.

Remuneration of persons assisting in management 86. The Superintendent may authorize payment in the prescribed amount and manner to any person in consideration for that person transporting or handling wildlife

(a) that has been lawfully killed to preserve the

life of that person or another person:

(b) that the person reasonably believes to be diseased; or

(c) that the person finds dead in the absence of anyone purporting to have lawful possession of it.

Oath or affirmation

87. Every officer, other than an officer by virtue of another office, and every wildlife guardian shall, before acting as an officer or wildlife guardian, take and subscribe an oath or affirmation in one of the English, French or Inuktitut language versions of the form set out in Schedule _____ .

Issuing licences

88. (1) Subject to this section and any instructions of the Superintendent, every officer may issue any licence.

Other vendors

(2) The Superintendent may appoint

(a) any employee of the Government of Nunavut or the Government of Canada as a vendor for the purpose of issuing the licences that the Superintendent in writing directs; and

(b) other suitable persons not falling within subsection (1) or paragraph (a) to act as vendors to issue the licences that the Superintendent in writing directs and these vendors shall be remunerated in the prescribed manner and amount.

Remuneration

(3) No person, other than a person appointed under paragraph (2)(b), shall be remunerated for acting as a vendor.

ENFORCEMENT

Arrest

89. An officer may arrest without a warrant any person whom the officer finds committing an offence under this Act.

Search with
warrant

90. (1) Where an officer reasonably believes that a person is committing or has committed an offence under this Act, the officer may

(a) with a search warrant, enter and search any premises, conveyance, camp, box, bale, pack, container or parcel in which the officer reasonably believes that any wildlife or other article evidencing the commission of the offence may be found;

(b) where a justice empowered to issue a search warrant is not readily available, without a search warrant, enter and search any premises, conveyance, camp, box, bale, pack, container or parcel in which the officer reasonably believes that any wildlife or other article evidencing the commission of the offence may be found; and

(c) if in uniform, signal or request any person operating a vehicle or other transport to stop and may search it or any container found in or on it.

Use of force

(2) An officer making a search under this section may use the force that the officer reasonably considers necessary to facilitate the search, including the breaking of a lock or fastening.

Liability
of officer
and assistant

(3) An officer or person assisting an officer may, in the discharge of duties under the Act, enter on and pass over any public or private lands without being liable for trespass, but the officer or person assisting the officer is liable for any damage wilfully or negligently done or caused.

Operation of
transport

(4) A person to whom a signal or request is given or made under paragraph (1)(c) shall without delay stop the vehicle or transport, furnish the officer with the information that the officer may reasonably and lawfully require and remain stationary until permitted by the officer to proceed.

Seizure

91. (1) Where an officer, in making a search under this Act, finds in or on any premises, conveyance, camp, box, bale, pack, container or parcel wildlife that the officer reasonably suspects has been unlawfully killed or captured, or that is in unlawful possession contrary to this Act, the regulations or the *Export and Import Permits Act*

(Canada), the officer may seize

- (a) the wildlife;
- (b) any box, bale, pack, container or parcel in which the wildlife is held;
- (c) where the officer considers it necessary, the conveyance in or on which the wildlife is held;
- (d) any firearms, ammunition, decoys, implements and appliances of a type used to hunt, found in or on the premises, conveyance, camp, box, bale, pack, container or parcel;
- (e) any papers, books, documents or records in or on the premises, conveyance, camp, box, bale, pack, container or parcel, or on any person found in or on the premises, conveyance or camp, which may afford evidence of the commission of such an offence; and
- (f) any wildlife, whether or not lawfully killed, captured or had in possession, that is so intermixed or annexed with or to wildlife falling within paragraph (a) that the latter wildlife cannot be seized without seizing it.

Procedure
following
seizure

(2) On seizing anything mentioned in subsection (1), an officer shall

- (a) give a receipt to the person, if known, having possession or custody of the thing or from whom it was seized;
- (b) retain the thing seized under lock and key until it is
 - (i) returned to the person referred to in paragraph (a), or
 - (ii) disposed of on the direction of a justice; and
- (c) if the owner or person in possession was not known at the time the thing was seized, furnish a justice with an affidavit stating that the officer has reason to believe that an offence has been committed and the connection between the thing and the alleged offence.

Federal
offence

(3) Where a thing seized under subsection (1) relates to a suspected offence under the *Export and Import Permits Act* (Canada) the officer shall turn it over to a member of the Royal Canadian Mounted Police or a Canada Customs official to be held pending investigation.

Disposition of
thing seized

92. (1) Anything that is seized under section H3 _____ shall be taken by the officer before a justice who may order the thing to be forfeited to Her Majesty in right of Canada and, on the making of that order, it is forfeited.

Hardship

(2) Where a justice is satisfied that the seizure of a thing is causing undue hardship or injustice, the justice may order that it be returned to the person from whom it was seized on conditions that the justice thinks fit.

Perishable
items

(3) Where a justice determines that any wildlife or other thing seized will or could rot, spoil or otherwise perish, the justice may order that it be disposed of in the manner that the justice thinks fit and that the proceeds of sale be paid in the manner directed in the order.

Liability for
loss or damage

93. No right of action lies and no right of compensation exists against the Crown, the Commissioner, the Superintendent or any officer for loss or damage arising from the disposal of any wildlife or other thing under this Act or from the deterioration of any wildlife during any period when it is under seizure unless the officer was negligent in the case of the wildlife or thing.

Inspection

94. The manager or owner of premises where a licensed business is operated shall, on demand being made by an officer between the hours of 9 a.m. and 6 p.m., without delay produce to the officer for inspection

(a) any prescribed statements, records or books that the manager or owner is required to keep; and

(b) all wildlife in the manager's or owner's possession.

Seizure of records

95. An officer may, without a warrant, seize any books, records or statements found in the possession of a person that comprise, in whole or in part, or that may relate to, any prescribed books, records or statements legally required to be kept or forwarded by that person where it appears to the officer that the person

(a) is not keeping them in the prescribed manner; or

(b) has failed to forward them, at the times and in the manner prescribed.

Examination for disease

96. (1) An officer may seize wildlife for examination where the officer has reasonable cause to believe that the wildlife is diseased.

Compensation

(2) Where an officer seizes hides or pelts under subsection (1), the Superintendent may, if the Superintendent thinks fit, pay compensation to the person from whom they are seized.

Destruction

(3) Where any wildlife seized under this Act is found on examination in a laboratory or by a veterinarian to be diseased, the Superintendent may direct that it be destroyed.

OFFENCES AND PENALTIES

General punishment

97. Every person who contravenes a provision of this Act for which no specific punishment is provided is guilty of an offence, and liable on summary conviction to

(a) a fine not exceeding \$1,000; or

(b) imprisonment for a term not exceeding one year; or

(c) both.

Peregrine
falcons and
gyrfalcons

98. Every person who hunts or is in possession of a peregrine falcon or gyrfalcon, contrary to section 70, is guilty of an offence, and liable on summary conviction to

(a) a fine of not less than \$2,000 dollars and not exceeding \$10,000; or

(b) imprisonment for a term not exceeding two years; or

(c) both.

Interfering
with lawful
hunting

99. Every person, other than a person authorized by law to do so, who interferes with the lawful hunting of wildlife for the purpose of disrupting the hunting of that wildlife, contrary to section 75, is guilty of an offence and liable on summary conviction to

(a) a fine not exceeding \$10,000;

(b) imprisonment for a term not exceeding one year; or

(c) both.

Separate
offences

100. (1) Where a contravention of this Act involves more than one animal, a separate offence is committed with respect to each animal.

Continuing
offence

(2) A contravention of this Act that is of a continuing nature constitutes a separate offence in respect of each day or part of a day during which it continues.

Proof of origin
of wildlife

101. In any proceedings under this Act, wildlife found in Nunavut shall be presumed to have been hunted in Nunavut unless the contrary is proved.

Certificate of
Superintendent

102. (1) A certificate signed by the Superintendent is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without further proof of the appointment or signature of the Superintendent,

in any proceedings in which proof is required respecting

(a) the issue, suspension or cancellation of a licence;

(b) the person named in a licence;

(c) the appointment or authority of an officer; or

(d) the delivery, service, mailing or giving of any notice or document by the Commissioner, the Minister or the Superintendent.

Name of person charged

(2) Where a person is charged with a contravention of this Act, and identifies himself or herself as the person named in a licence, whether or not valid or subsisting, in that person's possession, no proceedings or conviction is defective on the ground that the person charged is not the person named in the licence, but for all purposes the conviction shall be treated as being made against the person charged and not the person named in the licence.

Certificate from laboratory

(3) In a prosecution under this Act, a certificate signed by the person in charge of a laboratory operated, maintained or supported by the Government of Canada, the government of a province or other territory or the Royal Canadian Mounted Police, or that person's assistant or any person acting in that person's place is, in the absence of evidence to the contrary, proof of the facts stated in the certificate and of the authority of the person signing the certificate without further proof of appointment or signature.

Certificate of Superintendent

(4) In any proceedings under this Act, a certificate signed by the Superintendent stating that wildlife has been examined by a person qualified to judge and classify wildlife, and is of a certain species or sex or is in a certain condition, is, in the absence of evidence to the contrary, proof of the facts stated in the certificate and of the authority of the Superintendent without further proof of the appointment or signature of the Superintendent.

Burden of proof

103. In any proceedings in respect of the contravention of a provision of this Act, the burden

is on the person charged to prove that at the time of the act constituting the alleged contravention the person

(a) held a licence that permitted the lawful performanc of that act; or

(b) was a person to whom the provision did not apply.

Burden of proof respecting possession

104. Where a person is found in possession of wildlife but does not have a licence permitting its possession, the burden in any proceedings under this Act is on that person to prove that he or she did not hunt or was not in possession of that wildlife in contravention of this Act.

Limitation period

105. A prosecution for an offence under this Act may not be commenced after one year from the time when the offence was alleged to have been committed.

SAVINGS

Acts or omissions of an Inuk

106. (1) Notwithstanding anything in this Act, an Inuk who hunts, possesses, acquires or disposes of wildlife, or who otherwise acts or omits to act in relation to hunting or to wildlife, in a way that is in conformity with the Nunavut Agreement, does not contravene this Act.

Other aboriginal persons

(2) Notwithstanding anything in this Act, an aboriginal person, other than an Inuk, who hunts, possesses, acquires or disposes of wildlife, or who otherwise acts or omits to act in relation to hunting or to wildlife, in a way that is in conformity with that person's aboriginal or treaty rights, does not contravene this Act.

Possession not unlawful

107. Notwithstanding anything in this Act, a person is not in unlawful possession of wildlife where

(a) that person acts in accordance with

subsection 53(4);

(b) that person gives wildlife to an officer, or advises an officer where wildlife is located, without delay after finding wildlife that

(i) is dead and does not appear to have an owner, or

(ii) appears to be diseased;

(c) that person is in possession of wildlife solely in order to preserve life or property;

(d) where this Act, or a licence issued under this Act, permits the holder to perform an act and possession is reasonably incidental to that act.

Preservation
of life or
property,
humane end

108. (1) Notwithstanding anything in this Act, a person may wound or kill wildlife if it is necessary

(a) to preserve life or property; or

(b) to put a humane end to wildlife that is suffering pain.

Reporting
to officer

(2) Every person who wounds or kills wildlife under subsection (1) shall without delay report the wounding or killing to an officer and

(a) give the wildlife to an officer; or

(b) advise the officer of where the wildlife is located.

Disposition
by officer

109. An officer who obtains wildlife under this Act shall dispose of it in the prescribed manner.

Starvation

110. (1) Notwithstanding anything in this Act, a person may hunt wildlife and take the eggs of birds for food where it is necessary to prevent starvation.

Due to own
mismanage-
ment

(2) Every person who invokes subsection (1) as a result of that person's mismanagement or poor planning commits an offence.

REGULATIONS

Regulations

111. The Commissioner, on the recommendation of the Minister, may make regulations for carrying the purposes and provisions of this Act into effect and, without limiting the generality of this power to make regulations, may make regulations

(a) respecting the remuneration and control of vendors and wildlife guardians;

(b) restricting the maximum number, sex, age, species or size of wildlife that may be hunted during a prescribed period either generally or in a prescribed area;

(c) fixing open and closed seasons;

(d) respecting the books, records, forms, returns and other documents to be kept and furnished to the Superintendent, and the returns to be made by licence holders, and requiring that such books, records, forms, returns and other documents must be in the form approved by the Superintendent;

(e) respecting the import into, export from and transportation within Nunavut of wildlife;

(f) respecting the possession and use of weapons and equipment used in hunting and respecting falconry;

(g) controlling or prohibiting the use of vehicles or other transport;

(h) respecting uniforms, badges and other identifying materials for officers;

(i) respecting the acquisition and disposition of wildlife, parts of wildlife, nests or eggs;

(j) respecting the marking by wildlife tags or otherwise, of lawfully killed wildlife and the certification of wildlife killed other than under a licence;

- (k) respecting the conservation of habitats;
- (l) respecting the serving of the meat of game at a meal other than at a private residence;
- (m) respecting the licensing and control of the operations of fur dealers, tanners, taxidermists, outfitters, guides, fur farmers and game farmers and the permitting of tanning operations to be conducted in private residences;
- (n) respecting
 - (i) licences to carry out scientific research on and collect specimens of wildlife, and
 - (ii) instruction courses on hunting, the registration of regions as registered trapping areas and the allocation to certain hunters of the exclusive rights to hunt and possess furbearers in registered trapping areas;
- (o) respecting wildlife stamps, wildlife certificates and other component parts of licences;
- (p) respecting the imposition of royalties or fees on hides, pelts and other parts of wildlife;
- (q) respecting the reimbursement by the Superintendent of persons who assist an officer;
- (r) respecting the suspension or cancellation of licences;
- (s) respecting lost licences;
- (t) respecting an appeal of a decision of a vendor or the Superintendent;
- (u) authorizing the Superintendent to exercise or perform, in the manner and subject to conditions that are set out in the regulations, any of the powers, functions or duties of the Commissioner or the Minister under this Act, other than powers, functions and duties of the Commissioner in relation to the making of regulations under this section;
- (v) respecting the possession and capture of

wildlife;

(w) prescribing classes of licences, the things that holders of a class of licence are permitted to do, and the qualifications needed to hold a licence of any class;

(x) delegating to individual Hunters and Trappers Organizations who consent to the delegation any of the powers, duties or functions forming the subject-matter of regulations made under any other paragraph in this section;

(y) prohibiting persons in prescribed regions or circumstances from hunting big game within a period following the termination of their flight in an aircraft;

(z) prohibiting the use of helicopters, in prescribed regions or circumstances, for transporting persons or things for hunting purposes or for transporting wildlife;

(z.1) respecting the recognition and implementation of a land claims agreement with a group of aboriginal persons, whether residents of Nunavut or not, including

(i) the exemption of any area or region of Nunavut or a class or group of persons to which the agreement applies from any provision of this Act,

(ii) the adoption of the terms or provisions of by-laws made by an organization given by-law making power in respect of wildlife management under the agreement, for the purpose of permitting the enforcement of those terms or provisions under this Act,

(iii) the prescription of harvestable quotas, determined in accordance with the agreement, for wildlife species, and

(iv) the documentation by which a person may establish being a beneficiary under the agreement for the purpose of proving entitlement to an exemption referred to in subparagraph (m);

(z.2) respecting commercial activities relating to wildlife, including

(i) the exemption of any area or region of Nunavut or a class or group of persons from any provision of this Act that restricts or prohibits such commercial activities where, in the opinion of the Commissioner, the application of the provision in that area or region or to that class or group of persons is not required for reasons of conservation or public safety; and

(ii) the licensing, control and regulation of the commercial operations of a local organization or a person other than a person referred to in paragraph (j); and

(z.3) respecting any matter not otherwise expressly provided for in this section concerning public safety or the conservation of wildlife.

Repeal

(z.4) prescribing any matter or thing that by this Act may or is to be prescribed.

Consequential amendments

REPEAL, CONSEQUENTIAL AMENDMENTS AND COMING INTO FORCE

Coming into force

112. The (******existing wildlife act******) is repealed on the coming into force of this Act.

113. The Acts referred to in Schedule ____ are amended in the manner and to the extent indicated in the Schedule.

114. This Act or any provisions of this Act or of any act amended by this Act shall come into force on such day as the Commissioner in Council may order.

SCHEDULES

(*****to be added******)

CONSOLIDATION OF WILDLIFE ACT
R.S.N.W.T. 1988,c.W-4

CODIFICATION ADMINISTRATIVE
DE LA LOI SUR LA FAUNE
L.R.T.N.-O. 1988, ch. W-4

AS AMENDED BY

R.S.N.W.T. 1988,c.69(Supp.)
In force August 20, 1990;
SI-034-90
S.N.W.T. 1991-92,c.44
In force August 13, 1993;
SI-009-93
S.N.W.T. 1994,c.16
In force July 1, 1994;
SI-010-94
S.N.W.T. 1995,c.11

MODIFIÉE PAR

L.R.T.N.-O. 1988, ch. 69 (Suppl.)
En vigueur le 20 août 1990;
TR-034-90
L.T.N.-O. 1991-1992, ch. 44
En vigueur le 13 août 1993;
TR-009-93
L.T.N.-O. 1994, ch. 16
En vigueur le 1^{er} juillet 1994;
TR-010-94
L.T.N.-O. 1995, ch. 11

This consolidation is not an official statement of the law. It is an office consolidation prepared by Legislation Division, Department of Justice, for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories.

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WILDLIFE ACT

LOI SUR LA FAUNE

INTERPRETATION AND APPLICATION

DÉFINITIONS ET CHAMP D'APPLICATION

Definitions

1. In this Act,

"Inuvialuit" means those people known as Inuvialuit, Inuit or Eskimo who are beneficiaries under the Inuvialuit Final Agreement by reason of the settlement of their claim to traditional use and occupancy of the land in the Inuvialuit Settlement Region; (*Inuvialuit*)

"Inuvialuit boundary beneficiary" means a person other than an Inuvialuk who is granted harvesting rights in the Western Arctic Region in accordance with the Inuvialuit Final Agreement or who is recognized as having harvesting rights in the Western Arctic Region under the Inuvialuit Final Agreement; (*bénéficiaire frontalier des Inuvialuit*)

"Inuvialuit Final Agreement" means the Inuvialuit Final Agreement entered into between the Inuvialuit of the Inuvialuit Settlement Region and the Government of Canada on June 5, 1984, as amended; (*Convention définitive des Inuvialuit*)

"Inuvialuit Settlement Region" means that portion of the Northwest Territories, Yukon Territory and adjacent off-shore area shown in Annex A of the Inuvialuit Final Agreement; (*région désignée*)

"Inuvialuk" means an individual member of the Inuvialuit; (*Inuvialuk*)

"Western Arctic Region" means that portion of the Inuvialuit Settlement Region other than the Yukon Territory. (*région de l'Arctique de l'Ouest*) S.N.W.T. 1994,c.16,s.2; S.N.W.T. 1995,c.11,s.68.

Application

1.1. (1) Subject to section 1.2, Part I applies to all persons and to all parts of the Territories.

Western Arctic Region

(2) Part II applies only to the Inuvialuit and Inuvialuit boundary beneficiaries in the Western Arctic Region. S.N.W.T. 1994,c.16,s.2.

Inuvialuit Final Agreement

1.2. (1) This Act and the regulations shall, in respect of the Inuvialuit and the Inuvialuit boundary beneficiaries in the Western Arctic Region, be interpreted and applied in a manner consistent with the Inuvialuit Final Agreement and, in particular, with the fundamental rights, principles and procedures established under that Agreement that

1. Les définitions qui suivent s'appliquent à la présente loi.

«bénéficiaire frontalier des Inuvialuit» Personne autre qu'un Inuvialuk à qui est accordé en conformité avec la Convention définitive des Inuvialuit, ou à qui est reconnu en vertu de cette convention, le droit de prise dans la région de l'Arctique de l'Ouest. (*Inuvialuit boundary beneficiary*)

«Convention définitive des Inuvialuit» Convention définitive des Inuvialuit conclue entre les Inuvialuit de la région désignée et le gouvernement du Canada le 5 juin 1984 et comprenant toute autre modification. (*Inuvialuit Final Agreement*)

«Inuvialuit» Les Inuvialuit, Inuit et Esquimaux qui bénéficient de la Convention définitive des Inuvialuit, compte tenu du règlement de leurs revendications fondées sur l'utilisation et l'occupation traditionnelles des terres de la région désignée. (*Inuvialuit*)

«Inuvialuk» Membre des Inuvialuit. (*Inuvialuk*)

«région désignée» La partie des Territoires du Nord-Ouest, du territoire du Yukon et des zones côtières contiguës figurant à l'annexe A de la Convention définitive des Inuvialuit. (*Inuvialuit Settlement Region*)

«région de l'Arctique de l'Ouest» La région désignée, à l'exclusion du territoire du Yukon. (*Western Arctic Region*) L.T.N.-O. 1994, ch. 16, art 2.

1.1. (1) Sous réserve de l'article 1.2, la partie I s'applique à toute personne ainsi qu'à l'ensemble des territoires.

Champ d'application

(2) La partie II s'applique aux Inuvialuit et aux bénéficiaires frontaliers des Inuvialuit dans la région de l'Arctique de l'Ouest. L.T.N.-O. 1994, ch. 16, art. 2.

Région de l'Arctique de l'Ouest

1.2. (1) La présente loi et ses règlements doivent être interprétés et appliqués, relativement aux Inuvialuit et aux bénéficiaires frontaliers des Inuvialuit dans la région de l'Arctique de l'Ouest, en conformité avec la Convention définitive des Inuvialuit et, plus précisément, selon les principes, les droits et la procédure établis dans la Convention

Convention définitive des Inuvialuit

are recognized, adopted and implemented in Part II of this Act.

et reconnus, adoptés et appliqués dans la partie II de la présente loi.

Paramountcy

(2) Where there is a conflict or an inconsistency between the Inuvialuit Final Agreement and this Act or the regulations, the Inuvialuit Final Agreement prevails to the extent of the conflict or inconsistency.
S.N.W.T. 1994,c.16,s.2.

(2) Les dispositions de la Convention définitive des Inuvialuit l'emportent sur les dispositions incompatibles de la présente loi ou de ses règlements. L.T.N.-O. 1994, ch. 16, art. 2.

Primaute

PART I

PARTIE I

GENERAL

DISPOSITIONS GÉNÉRALES

Definitions

1.3 (1) In this Part,

1.3 (1) Les définitions qui suivent s'appliquent à la présente loi.

Définitions

"big game" means wildlife of a genus included under the category of big game in the prescribed schedule; (*gros gibier*)

«agent» Agent de la faune nommé au titre du paragraphe 76(1) ou agent d'office de la faune mentionné au paragraphe 76(2). (*officer*)

"camp" means

«agent de délivrance» Agent ou autre personne habilitée à délivrer des permis ou des licences en vertu de l'article 80. (*vendor*)

- (a) a tourist establishment, other than a boat, as defined in the *Travel and Tourism Act*, or a tent, cabin, mobile unit or other accommodation outside the limits of a settlement or municipality used to house a person who is engaged in construction, exploration, scientific research, logging, mining, surveying, education or commercial fishing,

«animal à fourrure» Animal de la faune dont l'espèce appartient à la catégorie des animaux à fourrure, inscrite à l'annexe réglementaire. (*fur-bearing animal*)

- (b) the area immediately surrounding a place mentioned in paragraph (a), and
- (c) an area serving a place mentioned in paragraph (a) as a place where refuse is disposed of,

but does not include an outfitter's camp; (*camp*)

«arme à feu» Est assimilé à une arme à feu tout dispositif permettant de tirer des projectiles au moyen de charges explosives, d'air comprimé ou de ressorts. (*firearm*)

"firearm" includes any device that fires missiles by means of explosives, compressed air or springs; (*arme à feu*)

«association des chasseurs et trappeurs» Celui des organismes suivants qui est agréé par le ministre comme l'association des chasseurs et trappeurs dans une région pour les fins de la présente loi et ses règlements :

"fur-bearing animal" means wildlife of a genus included under the category of fur-bearing animals in the prescribed schedule; (*animal à fourrure*)

- a) une association des chasseurs et trappeurs,
- b) le conseil d'une bande au sens de la *Loi sur les Indiens* (Canada),
- c) une organisation locale qui représente la région de chasse habituelle dans laquelle l'activité pertinente est ou doit être exercée. (*Hunters' and Trappers' Association*)

"game" means big game, fur-bearing animals and small game, but does not include skin, with or without the pelage, that has been processed or dressed by using a tanning agent and then worked into a soft and pliable leather condition; (*gibier*)

«camp»

"habitat" means air, soil, water, food, cover and all the other components of the natural environment of

- a) Établissement touristique, autre qu'un bateau, au sens de la *Loi sur le tourisme*, ou une tente, une cabine, une

wildlife or of a species of wildlife; (*habitat*)

"hunt", subject to section 32, means to worry, lie in wait for, flush, follow on the trail of, chase, shoot at, capture, trap or kill or attempt to capture, wound, trap or kill; (*chasser*)

"Hunters' and Trappers' Association" means whichever of the following is recognized by the Minister as the Hunters' and Trappers' Association in an area, for the purposes of this Act and the regulations:

- (a) a Hunters' and Trappers' Association,
- (b) the council of a band, as defined in the *Indian Act* (Canada),
- (c) a local organization that represents the normal hunting area in which the relevant activity is or is to be conducted; (*association des chasseurs et trappeurs*)

"licence" means a licence issued under this Act or the regulations or a class of licence established under subsection 2(2), but does not include a licence that has been suspended; (*permis*)

"manufactured product" means wildlife

- (a) prepared for use as or in an article to be sold or a garment, or
- (b) preserved or prepared by a tanning or taxidermy process; (*produit fabriqué*)

"non-resident" means a Canadian citizen or landed immigrant who is not a resident; (*non-résident*)

"non-resident alien" means an individual who is neither a resident nor a non-resident; (*étranger non résident*)

"officer" means a wildlife officer appointed under subsection 76(1) or an *ex officio* wildlife officer mentioned in subsection 76(2); (*agent*)

"open season" means the prescribed season during which game of the relevant species may be lawfully hunted under a licence in a particular region; (*saison de chasse*)

"permit" means a permit issued under this Act or the regulations or a class of permit established under subsection 2(2) but does not include a permit that is suspended; (*licence*)

"raw hide" means the skin, with or without the

unité mobile ou autre installation située à l'extérieur des limites d'une localité ou d'une municipalité servant à loger une personne qui se livre à la construction, l'exploration, la recherche scientifique, la coupe du bois, l'exploitation minière, l'arpentage, l'enseignement ou la pêche commerciale;

- b) la zone entourant immédiatement un endroit visé à l'alinéa a);
- c) une zone servant de lieu d'enfouissement des ordures à l'endroit mentionné à l'alinéa a).

N'y est pas assimilé le camp de pourvoyeur. (*camp*)

«chasser» Sous réserve de l'article 32, fait d'inquiéter, d'attendre à l'affût, de lever, de suivre à la piste, de pourchasser, de tirer, de capturer, de piéger ou d'abattre, ou de tenter de capturer, de blesser, de piéger ou d'abattre. (*hunt*)

«étranger non résident» Particulier qui n'est ni résident ni non-résident. (*non-resident alien*)

«faune», «faunique», «gibier», «animal de la faune» ou «animaux sauvages» Animal vertébré qui se trouve naturellement à l'état sauvage dans les territoires. Y sont assimilés toute partie de ce vertébré et son oeuf. La présente définition exclut le poisson au sens de la *Loi sur les pêches* (Canada). (*wildlife*)

«fourrure brute» Totalité ou partie de la peau d'un animal à fourrure ou d'un petit gibier, avec ou sans le pelage, qui n'est pas traitée, qu'elle soit verte, sèche ou salée. (*raw pelt*)

«gestion de la faune» ou «gestion faunique» La réglementation des animaux de la faune dans leurs habitats afin de les préserver à perpétuité pour les besoins et le plaisir des humains. (*wildlife management*)

«gibier» Le gros gibier, les animaux à fourrure et le petit gibier, à l'exception de la peau, avec ou sans le pelage, qui a été traitée ou tannée pour en faire un cuir souple et ductile. (*game*)

«gibier à plumes sédentaire» Animal de la faune dont l'espèce appartient à la catégorie du gibier à plumes sédentaire, inscrite à l'annexe réglementaire. (*upland game bird*)

«gros gibier» Animal de la faune dont l'espèce

pelage, of big game that is in an unprocessed, whether it be a green, dry or salted, condition and includes any part of the skin; (*peau brute*)

"raw pelt" means the skin, with or without the pelage, of a fur-bearing animal or small game that is in an unprocessed, whether it be a green, dry or salted, condition and includes any part of the skin; (*fourrure brute*)

"resident" means a Canadian citizen or landed immigrant living in the Territories at the relevant date and who has lived there continuously for the two years immediately preceding that date; (*résident*)

"small game" means wildlife of a genus included under the category of small game in the prescribed schedule; (*petit gibier*)

"Superintendent" means the Superintendent of Wildlife appointed under subsection 75(2); (*surintendant*)

"upland game bird" means wildlife of a genus included under the category of upland game bird in the prescribed schedule; (*gibier à plumes sédentaire*)

"vehicle" means a conveyance that is propelled by means other than the muscular power of humans or animals but does not include any prescribed conveyance; (*véhicule*)

"vendor" means an officer or other person who may issue a licence or permit under section 80; (*agent de délivrance*)

"wildlife" means a vertebrate, except a fish as defined in the *Fisheries Act* (Canada), that in its natural range is found wild in nature and is naturally occurring in the Territories, and any part of that vertebrate and includes an egg of that vertebrate; (*faune, faunique, gibier, animal de la faune ou animaux sauvages*)

"wildlife management" means the regulation of wildlife populations in their habitats for the purpose of sustaining them for human use or enjoyment in perpetuity. (*gestion de la faune ou gestion faunique*)

appartient à la catégorie du gros gibier, inscrite à l'annexe réglementaire. (*big game*)

réglemen:
Définitions

«habitat» L'air, le sol, l'eau, la nourriture, le gîte et tous les autres éléments de l'environnement naturel de la faune ou d'une espèce faunique. (*habitat*)

«licence» Licence délivrée au titre de la présente loi ou des règlements, ou catégorie de licences établie en vertu du paragraphe 2(2). N'y est pas assimilée la licence suspendue. (*permit*)

«non-résident» Citoyen canadien ou immigrant qui a reçu le droit d'établissement mais qui n'est pas résident. (*non-resident*)

«peau brute» Totalité ou partie de la peau d'un gros gibier, avec ou sans le pelage, qui n'est pas traitée, qu'elle soit fraîche, séchée ou salée. (*raw hide*)

«permis» Permis délivré au titre de la présente loi ou des règlements, ou catégorie de permis établie en vertu du paragraphe 2(2). N'y est pas assimilé le permis suspendu. (*licence*)

«petit gibier» Animal de la faune dont l'espèce appartient à la catégorie du petit gibier, inscrite à l'annexe réglementaire. (*small game*)

«produit fabriqué» Animal de la faune :

- soit préparé pour être utilisé comme article à vendre ou vêtement ou dans la fabrication de ceux-ci;
- soit conservé ou préparé au moyen du tannage ou de la taxidermie.

(*manufactured product*)

«résident» Citoyen canadien ou immigrant qui a reçu le droit d'établissement et qui réside dans les territoires à la date pertinente et qui y a résidé de façon permanente pendant les deux années qui ont précédé immédiatement cette date. (*resident*)

«saison de chasse» La saison réglementaire au cours de laquelle le titulaire d'une licence peut chasser légalement les espèces appropriées dans une région donnée. (*open season*)

«surintendant» Le surintendant de la faune, nommé au titre du paragraphe 75(2). (*Superintendent*)

«véhicule» Moyen de transport mû par une force autre que la force musculaire humaine ou animale. N'y est pas assimilé tout moyen de transport réglementaire. (*vehicle*)

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| Rights under Northwest Territories Act | (2) Nothing in this Act shall be construed as restricting any rights protected by subsection 18(3) of the <i>Northwest Territories Act</i> (Canada). | réglementaire. (<i>vehicle</i>) | (2) La présente loi n'a pas pour effet de restreindre les droits protégés par le paragraphe 18(3) de la <i>Loi sur les Territoires du Nord-Ouest</i> (Canada). | Droits garantis par la <i>Loi sur les Territoires du Nord-Ouest</i> |
| References to wildlife | (3) Except where specified or where the context otherwise requires, references in this Act to wildlife or any genus, species or class, shall be construed as references to the wildlife whether it be alive or dead. | | (3) Sauf indication ou indication contraire du contexte, toute mention dans la présente loi d'un animal de la faune ou d'une espèce ou catégorie d'animal de la faune vaut mention de l'animal de la faune, vivant ou mort. | Mention d'un animal de la faune |
| Genus | (4) Any reference in this Act to a genus of wildlife includes a reference to an order or family of the genus. | | (4) Toute mention dans la présente loi d'une espèce d'animal de la faune vaut mention d'une catégorie ou d'une famille de cette espèce. | Espèce |
| Residency while student | (5) For the purposes of determining entitlement to a hunting licence as set out in the prescribed schedule, a person shall be deemed to have lived in the Territories for the period of time that he or she spent outside the Territories as a student at a school, college or university, if he or she was a resident immediately before that period. R.S.N.W.T. 1988,c.69(Supp.),s.2; S.N.W.T. 1994,c.16,s.2; S.N.W.T. 1995,c.11,s.68. | | (5) En vue de déterminer le droit au permis de chasse prévu à l'annexe réglementaire, une personne est réputée avoir vécu dans les territoires pendant la période qu'elle a passée à l'extérieur des territoires comme étudiant dans une école, un collège ou une université, si elle était résidente immédiatement avant cette période. L.R.T.N.-O. 1988, ch. 69 (Suppl.), art. 2; L.T.N.-O. 1994, ch. 16, art. 2. | Statut de résident pendant les études |

LICENCES AND PERMITS

PERMIS ET LICENCES

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| Licences and permits | 2. (1) The licences and permits set out in the prescribed schedule entitle the holder, subject to subsection (3), to do the things that correspond to the licences and permits as set out in that schedule. | | 2. (1) Sous réserve du paragraphe (3), les permis et les licences prévus à l'annexe réglementaire donnent à leur titulaire le droit de faire ce qui est indiqué à cet égard dans l'annexe. | Permis et licences |
| Establishing classes of licences and permits | (2) The Commissioner may subdivide licences and permits into classes, with the subdivisions being based on criteria that the Commissioner thinks fit but the Commissioner shall not subdivide general hunting licences issued under paragraph 15(1)(a) or (b). | | (2) Le commissaire peut subdiviser les permis et les licences en catégories, d'après les critères qu'il estime indiqués. Il ne peut toutefois subdiviser les permis de chasse généraux délivrés au titre de l'alinéa 15(1)a) ou b). | Catégories de permis et de licences |
| Terms and conditions | (3) The rights attaching to a licence or permit are subject to the terms and conditions applicable to the licence or permit that may be provided, whether before or after its issue, by this Act or the regulations or, except in the case of a general hunting licence issued under paragraph 15(1)(a) or (b), as may be endorsed on the licence or permit. | | (3) Sauf pour ce qui concerne le permis de chasse général délivré au titre de l'alinéa 15(1)a) ou b), les droits que confère un permis ou une licence sont assujettis aux conditions d'utilisation du permis ou de la licence prévues par la présente loi ou par ses règlements, avant ou après sa délivrance, qui sont inscrites sur le permis ou la licence. | Conditions |
| Prohibition | (4) No person shall contravene any of the terms or conditions of a licence or permit. | | (4) Il est interdit de contrevenir aux conditions d'utilisation d'un permis ou d'une licence. | Interdiction |

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| Issue, renewal, qualifications and fees | (5) The system of issue or renewal of any licence or permit, the qualifications required for the holding of a licence or permit and the fees to be charged for a licence or permit are as prescribed or as provided for by this Act. | (5) Le système de délivrance ou de renouvellement des permis ou des licences, les qualités requises pour en obtenir et les droits exigés à cet égard sont ceux que prescrit ou que prévoit la présente loi. | Délivrance, renouvellement, qualités requises et droit |
| Form of licence or permit | (6) A licence, permit or any component part of a licence or permit must be in the form approved by the Superintendent. | (6) Le permis, la licence ou leurs parties intégrantes doivent être établis en la forme approuvée par le surintendant. | Forme du permis ou de la licence |
| Application for licence or permit | 3. (1) Every application for a licence or permit must (a) be in the form approved by the Superintendent; (b) set out the information that the Minister may reasonably require; and (c) be accompanied by the prescribed fee. | 3. (1) Toute demande de permis ou de licence doit : a) être établie en la forme approuvée par le surintendant; b) énoncer les renseignements que le ministre peut raisonnablement exiger; c) être accompagnée du droit réglementaire. | Demande de permis ou de licence |
| Further information | (2) The applicant shall furnish such further information as the vendor considering the application may reasonably request to enable the vendor to determine the application. | (2) Le demandeur fournit tout autre renseignement que l'agent de délivrance saisi de la demande peut raisonnablement exiger pour pouvoir y donner suite. | Renseignements complémentaires |
| Non-residents | (3) Every non-resident and non-resident alien shall, in making an application for a licence or permit and without prejudice to any requirement to give his or her temporary local address, state his or her permanent address or state directly or indirectly that he or she is a non-resident or a non-resident alien, as the case may be. | (3) En présentant une demande de permis ou de licence et sans préjudice de l'obligation de donner son adresse locale temporaire, le non-résident ou l'étranger non résident donne son adresse permanente ou déclare directement ou indirectement qu'il est non-résident ou étranger non résident, le cas échéant. | Non-résidents |
| Onus on applicant | (4) In an application for a licence or permit, the onus is on the applicant to prove that he or she is eligible to hold the licence or permit. | (4) Dans une demande de permis ou de licence, il incombe au demandeur de prouver qu'il y est admissible. | Fardeau de la preuve |
| Security | (5) The Minister may require an applicant to furnish a bond or other form of security to ensure due observance of this Act and the regulations and any terms and conditions of the licence or permit. | (5) Le ministre peut exiger du demandeur qu'il fournisse un cautionnement ou toute autre garantie dans le but d'assurer l'observation stricte de la présente loi et de ses règlements, et le respect des conditions du permis ou de la licence | Garantie |
| Prohibition of duality | (6) Except where a licence is lost and a replacement issued, no person is eligible to hold at any time more than one licence to hunt of the same class and no person shall apply for such a licence, whether in the same name or otherwise. | (6) Sauf lorsqu'un permis a été perdu et qu'un autre a été délivré pour le remplacer, nul ne peut, à quelque moment que ce soit, être titulaire de plusieurs permis de chasse de la même catégorie et il est interdit de présenter une demande à cet effet, que ce soit sous le même nom ou autrement. | Dualité interdite |
| Issue of licence or permit | 4. (1) Subject to this Act and the regulations, a vendor shall issue a licence or permit to an applicant who has proved to the satisfaction of the vendor that he or she is entitled to hold the licence | 4. (1) Sous réserve des autres dispositions de la présente loi et de ses règlements, l'agent de délivrance délivre un permis ou une licence au demandeur qui lui a prouvé qu'il y est admissible. | Délivrance du permis ou de la licence |

or permit.

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| Appeal | (2) An applicant whose application is refused by a vendor, other than the Superintendent, may appeal in the prescribed manner against the refusal to the Superintendent whose decision shall be final. | (2) Le demandeur dont la demande a été refusée par un agent de délivrance autre que le surintendant peut, selon les modalités réglementaires, interjeter appel du refus au surintendant, dont la décision est définitive. | Appel |
| Appeal by certain applicants | (3) An applicant for a general hunting licence under paragraph 15(1)(a) or (b) whose application is refused by the Superintendent may appeal the refusal to a judge of the Supreme Court who may confirm the decision of the Superintendent or order the Superintendent to issue the licence. | (3) Le demandeur d'un permis de chasse général visé à l'alinéa 15(1)a) ou b) dont la demande a été rejetée par le surintendant peut interjeter appel du refus à un juge de la Cour suprême, qui peut confirmer la décision du surintendant ou lui ordonner de délivrer le permis. | Appel par certains demandeurs |
| Refund of fee | (4) Subject to the regulations, no fee paid for a licence or permit shall be refunded unless the application for the licence or permit is refused. | (4) Sous réserve des règlements, un droit payé pour l'obtention d'un permis ou d'une licence ne peut être remboursé que si la demande de permis ou de licence est refusée. | Remboursement du droit |
| Where no appeal | (5) Nothing in this Act gives an applicant a right to appeal (a) against a refusal to issue a general hunting licence under paragraph 15(1)(c); or (b) against a refusal to renew a licence under subsection 15(3). | (5) Aucune disposition de la présente loi ne donne au demandeur le droit d'interjeter appel du refus : a) soit de délivrer un permis de chasse général au titre de l'alinéa 15(1)c); b) soit de renouveler un permis au titre du paragraphe 15(3). | Aucun appel |
| Name of holder on licence or permit | 5. (1) No vendor shall issue, and no person, other than a vendor, shall have in his or her possession, a licence or permit on which the name of the licence or permit holder does not appear. | 5. (1) Aucun agent de délivrance ne peut délivrer, et personne d'autre que lui ne peut avoir en sa possession un permis ou une licence sur lesquels ne figure pas le nom du titulaire. | Nom du titulaire |
| Signature of holder | (2) Every person to whom a licence or permit is issued shall, without delay after receiving it, sign his or her name in the space provided for that purpose, and no licence or permit is valid until and unless it is so signed. | (2) La personne à qui est délivré un permis ou une licence, immédiatement après l'avoir reçu, signe son nom dans l'espace prévu à cet effet. Le permis ou la licence n'est valide que s'il est ainsi signé. | Signature du titulaire |
| Scope of licence | 6. A licence to hunt a species of wildlife has effect subject to subsection 2(3) and is valid only (a) to hunt wildlife of that species; (b) during the open season and in any case until the date on which the licence expires which date shall, unless otherwise specified in the licence, be June 30 following the date of issue; (c) in the geographical area where that species may be lawfully hunted; (d) to enable the licence holder to hunt; and (e) if the licence is issued to a person eligible to hold it. | 6. Le permis de chasser une espèce d'animal de la faune prend effet sous réserve du paragraphe 2(3) et n'est valide que : a) pour chasser un animal de la faune de cette espèce; b) pendant la saison de chasse et dans tous les cas jusqu'à sa date d'expiration, laquelle sera, sauf indication contraire sur le permis, le 30 juin suivant la date de délivrance; c) dans la région géographique où cette espèce peut être légalement chassée; d) pour permettre au titulaire du permis de chasser; e) si le permis a été délivré à une personne qui y est admissible. | Portée du permis |

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| Transfer | 7. (1) Subject to this Act and the regulations, no person who holds a licence or permit or any part of a licence or permit shall assign, transfer or attempt or purport to assign or transfer it or any rights or privileges that it carries, to any other person. | 7. (1) Sous réserve des autres dispositions de la présente loi et de ses règlements, le titulaire d'un permis ou d'une licence complets ou d'une partie d'un permis ou d'une licence ne peut ni céder ou transférer, ni tenter ou prétendre céder ou transférer à une autre personne les droits ou privilèges qui s'y rattachent. | Transfert |
| Taking of transfer | (2) Subject to this Act and the regulations, every person who solicits, takes or attempts or purports to take an assignment or transfer of a licence or permit or any rights or privileges that it carries is guilty of an offence. | (2) Sous réserve des autres dispositions de la présente loi et de ses règlements, commet une infraction quiconque sollicite ou prend, ou tente d'accepter ou prétend accepter la cession ou le transfert d'un permis ou d'une licence, ou des droits ou privilèges qui s'y rattachent. | Acceptation du transfert |
| Hunting by non-residents | 8. (1) No non-resident or non-resident alien shall hunt wildlife unless he or she has on his or her person a licence or permit issued to him or her under this Act. | 8. (1) Les non-résidents et les étrangers non résidents ne peuvent chasser un animal de la faune à moins d'avoir sur eux un permis ou une licence qui leur a été délivré en vertu de la présente loi. | Chasse par le non-résident |
| Examination of licence or permit | (2) On being requested by an officer to do so, a licence or permit holder shall without delay produce his or her licence or permit to the officer for examination. | (2) À la demande d'un agent, le titulaire d'un permis ou d'une licence le lui présente immédiatement pour vérification. | Vérification permis ou de la licence |
| Where licence or permit not available for examination | (3) Notwithstanding subsection (2), where a licence or permit holder is a resident and his or her licence or permit is not available when the request for it is made by an officer, the holder shall, within 48 hours after the request (a) produce it to the officer or to another person that the officer may designate; or (b) prove to the satisfaction of the officer or person designated by the officer that he or she held the licence or permit at the time the request for it was made by the officer. | (3) Par dérogation au paragraphe (2), le titulaire d'un permis ou d'une licence étant résident et n'ayant pas sur lui le permis ou la licence au moment où l'agent le lui demande, dans les 48 heures de la demande : a) soit le présente à l'agent ou à son délégué; b) soit prouve à l'agent ou à son délégué qu'il était titulaire du permis ou de la licence au moment où l'agent en a fait la demande. | Absence de licence ou de permis |
| Suspension by Superintendent | 9. (1) Where the Superintendent believes that a person has contravened any of the terms or conditions of his or her licence or permit, or this Act or the regulations, the Superintendent may suspend any licence or permit held by that person for the period that the Superintendent thinks fit. | 9. (1) Le surintendant qui croit qu'une personne a enfreint l'une quelconque des conditions de son permis ou de sa licence, la présente loi ou ses règlements, peut suspendre pendant la durée qu'il estime indiquée tout permis ou toute licence dont cette personne est titulaire. | Suspension par le surintendant |
| Restriction on suspension | (2) The Superintendent shall not, in respect of an offence, suspend under subsection (1) a licence or permit referred to in subsection 12(1) that the justice making the conviction has refrained from suspending. | (2) Dans le cas d'une infraction, le surintendant ne peut, au titre du paragraphe (1), suspendre le permis ou la licence mentionnés au paragraphe 12(1) que le juge de paix qui a prononcé la condamnation s'est abstenu de suspendre. | Restriction |
| Appeal to justice | (3) A person whose licence or permit has been | (3) Le titulaire d'un permis ou d'une licence | Appel à un juge de paix |

suspended under subsection (1) may appeal to a justice who may direct the Superintendent

- (a) to remove the suspension if the Superintendent fails to establish that there was a contravention; or
- (b) to reduce the period of the suspension.

Appeal to
Supreme Court

(4) A decision of a justice under subsection (3) may be appealed by the Superintendent or the person whose licence or permit was suspended under subsection (1) to a judge of the Supreme Court who may confirm, vary or quash the decision of the justice.

suspendu en vertu du paragraphe (1) peut interjeter appel à un juge de paix, qui peut ordonner au surintendant :

- a) soit de révoquer la suspension, si le surintendant n'établit pas qu'il y a eu infraction;
- b) soit de réduire la période de suspension.

(4) Le surintendant ou le titulaire du permis ou de la licence suspendu peut interjeter appel de la décision du juge de paix à un juge de la Cour suprême, qui peut la confirmer, la modifier ou l'annuler.

Appel à la
Cour suprême

Application

10. (1) Subsection (2) does not apply to general hunting licences.

10. (1) Le paragraphe (2) ne s'applique pas aux permis de chasse généraux.

Champ
d'application

General
cancellation,
suspension or
prohibition

(2) Where the Minister considers that a species of wildlife is in danger of becoming extinct or otherwise considers that it is necessary for wildlife management, the Minister may by order

- (a) cancel or suspend all or any licences or permits so far as they relate to the endangered species or to any other affected species and, in the case of suspension, for the period that the Minister thinks fit;
- (b) prohibit the issue or renewal of licences or permits that relate exclusively to the species, until the Minister directs otherwise; or
- (c) attach terms and conditions that the Minister thinks necessary for the preservation or wildlife management of the species to licences or permits that relate but do not relate exclusively to that species.

(2) Le ministre qui estime qu'une espèce d'animal de la faune est menacée d'extinction ou qui estime que la gestion de la faune le rend nécessaire peut, par arrêté :

- a) annuler, ou suspendre pendant la durée qu'il estime indiquée, les permis ou les licences qui se rapportent aux espèces menacées ou à toute autre espèce touchée;
- b) interdire la délivrance ou le renouvellement de permis ou de licences qui se rapportent exclusivement à ces espèces, jusqu'à ce qu'il en ordonne autrement;
- c) pour la conservation ou la gestion faunique des espèces, assortir de conditions qu'il estime nécessaires les permis et les licences qui se rapportent, mais non exclusivement, à ces espèces.

Annulation
générale

Surrender of
licence or
permit

11. Where a licence or permit is cancelled or suspended under subsection 9(1) or 10(2), the holder shall without delay surrender it to the Superintendent who shall, in the event of any cancellation or suspension being removed under subsections 9(3) or 12(3), return it without delay to the holder or furnish the holder with a new licence or permit.

11. Lorsqu'un permis ou une licence est annulé ou suspendu au titre des paragraphes 9(1) ou 10(2), le titulaire le remet immédiatement au surintendant qui, dans le cas d'une annulation ou d'une suspension révoquée au titre des paragraphes 9(3) ou 12(3), le remet immédiatement au titulaire ou lui fournit un nouveau permis ou une nouvelle licence.

Remise du
permis ou
de la licence

Power of
justice on
conviction

12. (1) Where a person is convicted of an offence under this Act or the regulations, the justice making the conviction may

- (a) cancel any licence or permit held by that person;
- (b) suspend any licence or permit held by

12. (1) Lorsqu'une personne est déclarée coupable d'une infraction à la présente loi ou aux règlements, le juge de paix qui prononce la condamnation peut :

- a) annuler tout permis ou toute licence dont elle est titulaire;
- b) suspendre tout permis ou toute licence

Pouvoir
du juge
de paix

- that person for the period that the justice thinks fit; and
- (c) prohibit the issue or renewal of any licence or permit to that person within the period of time, not exceeding five years, that the justice may direct.

dont elle est titulaire pendant la durée qu'il estime indiquée;

- c) interdire la délivrance ou le renouvellement de tout permis ou de toute licence à cette personne pendant le délai qu'il fixe et qui ne peut dépasser cinq ans.

Surrender and transmittal of licence or permit

(2) Where a licence or permit is cancelled or suspended under subsection (1), the holder shall without delay surrender it to the justice making the conviction and the justice shall mark it cancelled or suspended and transmit it to the Superintendent.

(2) Lorsqu'un permis ou une licence est annulé ou suspendu en vertu du paragraphe (1), le titulaire le remet immédiatement au juge de paix qui prononce la condamnation, lequel y porte la mention annulé ou suspendu et le transmet au surintendant.

Remise et transmission du permis ou de la licence

Appeal

(3) A person convicted of an offence under subsection (1) may appeal a decision of the justice to a judge of the Supreme Court who may direct the Superintendent to remove the cancellation, suspension or prohibition against the issue or renewal of any licence or permit to that person, where the judge considers that

- (a) the offence committed was not sufficiently serious to warrant the cancellation, suspension or prohibition, or
- (b) the cancellation, suspension or prohibition would seriously affect his or her livelihood,

and the Superintendent shall in any case remove the cancellation, suspension or prohibition if the conviction is quashed on appeal.

(3) La personne qui est déclarée coupable d'une infraction au titre du paragraphe (1) peut interjeter appel de la décision du juge de paix à un juge de la Cour suprême, lequel peut ordonner au surintendant de révoquer l'annulation, la suspension ou l'interdiction à l'encontre de la délivrance ou du renouvellement d'un permis ou d'une licence à cette personne, s'il estime :

- a) soit que l'infraction commise n'était pas suffisamment grave pour justifier l'annulation, la suspension ou l'interdiction;
- b) soit que l'annulation, la suspension ou l'interdiction la priverait de son gagne-pain.

Dans tous les cas, le surintendant révoque l'annulation, la suspension ou l'interdiction, si la condamnation est annulée en appel.

Appeal

Statement of licence holder

13. The Superintendent may require a person whose licence is suspended or cancelled under section 9, 10 or 12 to furnish the Superintendent with a true statement of the number and species of wildlife killed or captured under the authority or purported authority of the licence.

13. Le surintendant peut exiger d'une personne dont le permis est suspendu ou annulé en vertu de l'article 9, 10 ou 12 de lui fournir une déclaration véridique concernant le nombre d'animaux de la faune et les espèces tués ou capturés sous l'autorisation réelle ou présumée du permis.

Déclaration de titulaire du permis

Transmittal of licence and statement

14. (1) The holder of a licence to hunt shall, before or without delay after its expiration, transmit the licence or expired licence to an officer together with a true statement of the number and species of wildlife killed or captured under the authority or purported authority of the licence.

14. (1) Avant ou immédiatement après l'expiration du permis de chasse, le titulaire transmet à un agent le permis ou le permis expiré, accompagné d'une déclaration véridique concernant le nombre d'animaux de la faune et les espèces tués ou capturés sous l'autorisation réelle ou présumée du permis.

Transmission du permis et de la déclaration

Statement

(2) Where a person is unable to transmit the licence or expired licence under subsection (1), the person shall nevertheless send the statement referred to in subsection (1) to an officer.

(2) La personne qui ne peut transmettre le permis ou le permis expiré en conformité avec le paragraphe (1) envoie néanmoins à un agent la déclaration mentionnée au paragraphe (1).

Déclaration

General hunting licence

15. (1) A general hunting licence shall be issued only to a person who

(a) immediately before July 1, 1979, held, was eligible to hold or was eligible except only for being underage to hold a general hunting licence under Item 1 of Column II of Schedule A to the *Game Ordinance*, R.S.N.W.T. 1974,c.G-1,

(b) is a resident, has at no time lived outside the Territories for a continuous period of five years or more, and at least one of whose parents

(i) is a resident and eligible under this paragraph or paragraph (a) to hold a general hunting licence, or

(ii) immediately before death was a resident and then held or was then eligible to hold a general hunting licence other than one issued under paragraph (c), or Item 2 or 3 of Column II of Schedule A to the *Game Ordinance*, R.S.N.W.T. 1974,c.G-1, or

(c) has lived in the Territories continuously for the five years immediately preceding his or her application for the licence, and is a Canadian citizen or landed immigrant,

and whose application is recommended by a Hunters' and Trappers' Association and is accepted by the Superintendent.

Deeming provision

(2) For the purposes of subsection (1) a person shall be deemed to have lived in the Territories during any period spent outside the Territories as a student at a school, college or university or in the service of the Canadian Armed Forces or the Royal Canadian Mounted Police, if he or she lived in the Territories immediately before the commencement of that period.

Recommendation not to renew licence

(3) A person who has been issued a licence under paragraph (1)(c) is entitled on application to have it renewed unless the Hunters' and Trappers' Association that recommended the issue of the original licence, or its nearest equivalent, makes a recommendation to the Superintendent against its renewal and the Superintendent agrees not to renew

15. (1) Un permis de chasse général n'est délivré qu'à la personne qui remplit l'une des conditions qui suivent et dont la demande est recommandée par une association de chasseurs et trappeurs et agréée par le surintendant :

a) immédiatement avant le 1^{er} juillet 1979, elle était titulaire d'un permis de chasse général au titre du poste 1 de la colonne II de l'annexe A de l'ordonnance intitulée *Game Ordinance*, R.S.N.W.T. 1974,c.G-1, ou remplissait toutes les conditions requises pour en être titulaire sauf celle relative à l'âge;

b) elle est résidente et n'a jamais vécu en permanence à l'extérieur des territoires pendant cinq ans ou plus, et au moins l'un de ses parents remplit l'une des conditions suivantes :

(i) il est résident et remplit les conditions requises par le présent alinéa ou l'alinéa a) pour être titulaire d'un permis de chasse général,

(ii) immédiatement avant son décès, il était résident, était titulaire d'un permis de chasse général autre que le permis délivré en vertu de l'alinéa c) ou du poste 2 ou 3 de la colonne II de l'annexe A de l'ordonnance intitulée *Game Ordinance*, R.S.N.W.T. 1974,c.G-1, ou y était admissible;

c) elle a vécu en permanence dans les territoires pendant les cinq années qui ont précédé sa demande de permis et est citoyen canadien ou immigrant ayant reçu le droit d'établissement.

Permis de chasse général

(2) Pour l'application du paragraphe (1), une personne est réputée avoir vécu dans les territoires pendant la période passée à l'extérieur des territoires comme étudiant dans une école, un collège ou une université, ou dans les Forces armées canadiennes ou la Gendarmerie royale du Canada, si elle vivait dans les territoires immédiatement avant le début de cette période.

Présomption

(3) La personne à qui a été délivré un permis en vertu de l'alinéa (1)c) est en droit de s'attendre à ce qu'il soit renouvelé sur demande, à moins que l'association des chasseurs et trappeurs qui a recommandé la délivrance du permis initial, ou son équivalent le plus proche, ne recommande le contraire au surintendant et que celui-ci n'accepte

Recommandation de non-renouvellement

it.

Restriction as to hunting area

(4) A licence issued under paragraph (1)(c) and any renewal of it entitles the holder to hunt only in the normal hunting area of the Hunters' and Trappers' Association that recommended the application for a licence or its nearest equivalent.

Other organizations

(5) Where any area in the Territories is not within the normal hunting area of any Hunters' and Trappers' Association, the Minister may designate another organization that is composed of or substantially composed of hunters to exercise in respect of that area the powers that a Hunters' and Trappers' Association has under this section.

(6) **Repealed.** 1991-92, c.44, s.2.

Reindeer Reserve caribou licence

15.1. (1) No person shall hunt caribou in that portion of the Reindeer Reserve that lies within the Gwich'in Settlement Area unless the person holds a Reindeer Reserve caribou licence or the person is, or would be eligible to be, enrolled as a participant under the Comprehensive Land Claim Agreement referred to in subsection (3).

Entitlement to licence

(2) No person is entitled to a Reindeer Reserve caribou licence unless he or she

- (a) holds a general hunting licence; and
- (b) is a member of a group named in a registered group trapping area licence issued in respect of an area within a reserve as defined in section 2 of the *Northwest Territories Reindeer Regulations* made under the *Northwest Territories Act* (Canada).

"Gwich'in Settlement Area" defined

(3) For the purposes of subsection (1), "Gwich'in Settlement Area" means those lands described in Appendix A of the Comprehensive Land Claim Agreement, dated April 22, 1992, between Her Majesty the Queen in Right of Canada and the Gwich'in as represented by the Gwich'in Tribal Council. 1991-92, c.44, s.3.

Age qualification

16. (1) Notwithstanding anything in this Act but subject to this section, no licence shall be issued to a person who has not attained the age of 16 years.

de ne pas le renouveler.

(4) Le permis délivré en vertu de l'alinéa (1)c) et son renouvellement ne donnent à son titulaire que le droit de chasser dans la zone de chasse habituelle de l'association des chasseurs et trappeurs, ou son équivalent le plus proche, qui a recommandé la demande de permis.

(5) Lorsqu'une région des territoires n'est comprise dans une zone de chasse habituelle d'aucune association de chasseurs et trappeurs, le ministre peut désigner une autre organisation composée uniquement ou en grande partie de chasseurs afin qu'elle exerce relativement à cette zone les pouvoirs que le présent article reconnaît à une association de chasseurs et trappeurs.

(6) **Abrogé.** 1991-1992, ch. 44, art. 2.

15.1. (1) À moins d'être titulaire d'un permis de chasse au caribou dans une réserve du renne ou d'être inscrit ou susceptible d'être inscrit à titre de participant en vertu de l'Entente sur la revendication territoriale globale des Gwich'in, il est interdit de chasser le caribou dans la partie de la réserve du renne située à l'intérieur de la région visée par le règlement avec les Gwich'in.

(2) Seules ont droit à un permis de chasse au caribou dans une réserve du renne :

- a) les titulaires d'un permis de chasse général;
- b) les membres d'un groupe nommé dans le permis de piégeage en groupe dans une région enregistrée, dont le permis a été délivré pour une région située dans une réserve au sens de l'article 2 du *Règlement sur les rennes des Territoires du Nord-Ouest* pris en vertu de la *Loi sur les Territoires du Nord-Ouest* (Canada).

(3) Pour l'application du paragraphe (1), «région visée par le règlement avec les Gwich'in» s'entend des terres décrites à l'annexe A de l'Entente sur la revendication territoriale globale des Gwich'in, en date du 22 avril 1992, conclue entre sa Majesté la Reine du chef du Canada et les Gwich'in représentés par le conseil tribal des Gwich'in. 1991-1992, ch. 44, art. 3.

16. (1) Par dérogation aux autres dispositions de la présente loi, mais sous réserve du présent article, aucun permis ne peut être délivré à une personne de

Restriction quant à la zone de chasse

Autres organisations

Permis de chasse au caribou

Admissibilité au permis de chasse

Définition de «région visée par le règlement avec les Gwich'in»

Âge requis

General hunting licence exception

(2) A general hunting licence may be issued to a person who has not attained the age of 16 years where

- (a) he or she qualifies under paragraph 15(1)(a) or (b); and
- (b) his or her parent or guardian endorses the application for the licence; or
- (c) he or she satisfies the Superintendent that
 - (i) he or she needs to hunt to sustain himself or herself or his or her family, and
 - (ii) he or she is sufficiently mature to hunt without assistance or supervision.

Small game licence exception

(3) A licence entitling a person to hunt small game only may be issued to a person who has attained the age of 14 years but has not attained the age of 16 years if his or her parent or guardian

- (a) holds a licence that entitles him or her to hunt small game; and
- (b) endorses the application by the minor for the licence.

Condition of minor's licence

(4) It is a condition of any licence issued under subsection (2) or (3) that a parent or guardian who endorses the application accompany the minor at all times when the minor is hunting.

Liability of parent or guardian

(5) A parent or guardian who endorses an application for a licence under subsection (2) or (3) is responsible for ensuring that the minor complies in all respects with and does not contravene this Act or the regulations and any offence committed under this Act or the regulations by the minor shall be deemed to have been committed also by that parent or guardian, whether or not he or she is aware of the actual offence.

Hunting without licence

(6) A person who has not attained the age of 16 years may, without a licence, hunt under the same conditions as if that person held a general hunting licence, if that person

- (a) qualifies under paragraph 15(1)(a) or (b), and
- (b) is accompanied at all times while hunting by his or her parent or guardian who holds a general hunting licence,

but that person shall, on being requested to do so by

moins de 16 ans.

(2) Un permis de chasse général peut être délivré à une personne de moins de 16 ans :

- a) si elle possède les qualités que requiert l'alinéa 15(1)a) ou b);
- b) si son père, sa mère ou son tuteur approuve la présentation de la demande de permis;
- c) si elle convainc le surintendant :
 - (i) qu'elle a besoin de chasser pour sa subsistance ou pour celle de sa famille,
 - (ii) qu'elle est suffisamment mûre pour chasser sans aide ni surveillance.

Exception

(3) Un permis autorisant une personne à ne chasser que le petit gibier peut être délivré à une personne âgée de plus de 14 ans, mais de moins de 16 ans, si son père, sa mère ou son tuteur :

- a) est titulaire d'un permis qui lui donne le droit de chasser le petit gibier;
- b) approuve la présentation de la demande de permis du mineur.

Permis de chasser le petit gibier

(4) Le permis délivré en vertu des paragraphes (2) ou (3) comporte comme condition que le père, la mère ou le tuteur qui approuve la présentation de la demande accompagne le mineur toutes les fois que celui-ci chasse.

Condition du permis du mineur

(5) Le père, la mère ou le tuteur qui approuve la présentation de la demande de permis au titre des paragraphes (2) ou (3) est tenu de s'assurer que le mineur se conforme à tous égards à la présente loi et à ses règlements, et toute infraction à la présente loi ou à ses règlements qui est commise par un mineur est réputée avoir été commise aussi par le père, la mère ou le tuteur, qu'ils soient ou non au fait de l'infraction commise.

Responsabilité du parent ou du tuteur

(6) Quiconque est âgé de moins de 16 ans peut, sans permis, chasser aux mêmes conditions que le titulaire d'un permis de chasse général :

- a) s'il possède les qualités que requiert l'alinéa 15(1)a) ou b);
- b) s'il est accompagné, toutes les fois qu'il chasse, par son père, sa mère ou son tuteur qui est titulaire d'un permis de chasse général.

Chasse sans permis

Cependant, à la demande d'un agent, il lui fournit immédiatement les détails du permis du père, de la

an officer, without delay provide the officer with particulars of the licence of the parent or guardian.

mère ou du tuteur.

Liability of
parent or
guardian

(7) The parent or guardian referred to in paragraph (6)(b) has the same responsibilities and liabilities in respect of a minor hunting under subsection (6) that a parent or guardian has under subsection (5).

(7) Le père, la mère, ou le tuteur visé à l'alinéa (6)b) a les mêmes obligations et responsabilités relativement au mineur chassant en vertu du paragraphe (6) qu'un père, une mère ou un tuteur au titre du paragraphe (5).

Responsabilité
du père, de la
mère ou du
tuteur

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| Licence to institutions | 17. (1) The Minister may, with the prior approval of the local Hunters' and Trappers' Association, issue to a person operating a school, correctional centre or similar institution, a licence to conduct a hunting program subject to the terms and conditions that are prescribed or specified in the licence. | 17. (1) Avec l'approbation préalable de l'association locale des chasseurs et trappeurs, le ministre peut délivrer à la personne qui dirige une école, un centre correctionnel ou un établissement semblable un permis lui permettant d'organiser des cours de chasse, sous réserve des conditions que le permis prescrit ou précise. | Permis aux établissements |
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| Prohibition | (2) No person shall, for money or money's worth, organize, establish or carry out any course of instruction in which wildlife is hunted unless he or she holds a licence issued under subsection (1). | (2) À moins d'être titulaire d'un permis délivré au titre du paragraphe (1), il est interdit, contre rémunération, d'organiser, de mettre sur pied ou de donner un cours dans lequel un animal de la faune est chassé. | Interdiction |
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WILDLIFE MANAGEMENT

GESTION DE LA FAUNE

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| Wildlife management units | 18. (1) In order to facilitate wildlife management, the Commissioner, on the recommendation of the Minister, may by regulation divide the Territories into wildlife management units. | 18. (1) En vue de faciliter la gestion de la faune, le commissaire, sur recommandation du ministre, peut, par règlement, diviser les territoires en secteurs de gestion de la faune. | Secteurs de gestion de la faune |
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| Regions | (2) The Commissioner, on the recommendation of the Minister, may by regulation designate a portion of one or more wildlife management units as <ul style="list-style-type: none"> (a) a wildlife management zone, (b) a wildlife sanctuary or a bison sanctuary but no area shall be designated as such that was not a game sanctuary or a bison sanctuary before July 1, 1979, (c) a wildlife preserve, (d) a wildlife management area, (e) a critical wildlife area, or (f) a special management area, and a region designated under one paragraph may overlap with a region designated under another paragraph. | (2) Le commissaire, sur recommandation du ministre, peut, par règlement, désigner comme suit une partie d'un ou de plusieurs secteurs de gestion de la faune : <ul style="list-style-type: none"> a) zone de gestion de la faune; b) refuge faunique ou refuge du bison, mais aucune région ne peut être désignée comme telle si elle n'était pas un refuge faunique ou un refuge du bison avant le 1^{er} juillet 1979; c) réserve faunique; d) région de gestion de la faune; e) aire faunique critique; f) région de gestion spéciale. Une région désignée en vertu d'un alinéa peut empiéter sur une région désignée en vertu d'un autre alinéa. | Régions |
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| Regulation of region | 19. The Commissioner, on the recommendation of the Minister, may make regulations respecting wildlife management in any region designated under subsection 18(2) including the regulation or prohibition of access to a region other than a sanctuary. | 19. Sur recommandation du ministre, le commissaire peut, par règlement, pourvoir à la gestion de la faune dans toute région désignée au titre du paragraphe 18(2), notamment à la réglementation ou à l'interdiction d'accès à une région autre qu'un refuge. | Réglementation des régions |
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| Fur management | 20. The Commissioner, on the recommendation of the Minister, may by regulation designate <ul style="list-style-type: none"> (a) a region as a fur management unit, (b) any portion of a fur management unit as a fur management zone, and (c) any portion of one or more fur management zones as a fur | 20. Sur recommandation du ministre, le commissaire peut, par règlement, désigner : <ul style="list-style-type: none"> a) une région comme secteur de gestion des animaux à fourrure; b) toute partie d'un secteur de gestion des animaux à fourrure comme zone de gestion des animaux à fourrure; | Gestion des animaux à fourrure |
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management area,
and may make regulations respecting wildlife management, so far as relates to fur-bearing animals, in these units, zones or areas.

c) toute partie d'une ou de plusieurs zones de gestion des animaux à fourrure comme région de gestion des animaux à fourrure.

Il peut prendre des règlements concernant la gestion de la faune dans la mesure où elle se rapporte aux animaux à fourrure dans ces secteurs, zones ou régions.

Hunting for management or research purposes

21. Notwithstanding anything in this Act or the regulations, the Superintendent may, for the purposes of wildlife management, wildlife research or the protection of life or property, authorize an officer or any person under the supervision of an officer to utilize hunting methods and scientific procedures and techniques that would otherwise be contrary to this Act or the regulations.

21. Par dérogation aux autres dispositions de la présente loi ou aux règlements, le surintendant peut, aux fins de la gestion de la faune, de la recherche sur la faune ou de la protection de la vie ou des biens, autoriser un agent ou toute personne agissant sous sa surveillance à utiliser des méthodes de chasse et des techniques et procédés scientifiques qui autrement constitueraient une violation de la présente loi ou des règlements.

Chasse aux fins de gestion ou de recherche

Liability for trespass

22. A person engaged by the Department of Renewable Resources in wildlife management may, in the course of his or her work, enter on and pass over any private lands without being liable for trespass, but that person is liable for any damage that he or she wilfully or negligently does or causes.

22. Un employé en gestion de la faune du ministère des Ressources renouvelables peut, dans le cadre de son travail, pénétrer sur un bien-fonds privé sans être coupable d'intrusion. Il est toutefois responsable de tout dommage qu'il cause volontairement ou négligemment.

Responsabilité pour intrusion

Nuisance wildlife

23. In the interests of wildlife management, the Commissioner, on the recommendation of the Minister, may by regulation declare any species of wildlife within a prescribed region to be nuisance wildlife and may prescribe methods of controlling it that would otherwise be contrary to this Act or the regulations.

23. Dans l'intérêt de la gestion de la faune, le commissaire, sur recommandation du ministre, peut, par règlement, déclarer nuisible à la faune toute espèce d'animal de la faune dans une région prescrite et déterminer contre cette espèce des méthodes de lutte qui autrement constitueraient une violation de la présente loi ou de ses règlements.

Animal de la faune nuisible

Surveys and census

24. No person, other than a person acting on the instructions of the Superintendent or an officer, shall

- (a) conduct any aerial, ground or aquatic census or survey of wildlife or wildlife behaviour,
- (b) administer drugs,
- (c) collect or purchase specimens, or
- (d) carry out any scientific research relating to wildlife,

without a permit from the Superintendent entitling him or her to do so.

24. Seule une personne agissant suivant les directives du surintendant ou d'un agent peut, sans un permis du surintendant à cet effet

- a) procéder à un recensement ou à un levé aérien, terrestre ou aquatique des animaux de la faune ou étudier leur comportement;
- b) administrer des drogues,
- c) collectionner ou acquérir des spécimens,
- d) mener une recherche scientifique se rapportant à la faune

Levés et recensements

Dangerous wildlife

25. An officer or a person authorized in writing by an officer may kill or destroy wildlife at any time and by any means where

- (a) the wildlife is endangering property or public safety; or
- (b) the wildlife is wounded or diseased or

25. Un agent, ou une personne ayant reçu l'autorisation écrite de l'agent, peut, à tout moment et par n'importe quels moyens, tuer ou détruire un animal de la faune dans l'un ou l'autre des cas suivants :

- a) il menace les biens ou la sécurité

Animaux dangereux

the officer or person reasonably believes that the wildlife is wounded or diseased.

publique:
b) l'animal est blessé ou malade, ou l'agent ou la personne a raison de le croire.

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| Meat of game | 26. An officer or any person authorized in writing by an officer may use the meat of game for the purposes of wildlife management and the authorization shall specify the species and quantity of game that may be so used. | 26. Un agent, ou une personne ayant reçu l'autorisation écrite de l'agent, peut utiliser la viande de gibier aux fins de gestion de la faune. L'autorisation précise l'espèce et la quantité de gibier qui peut être utilisée à cet effet. | Viande de gibier |
| Agreements | 27. The Commissioner may enter into agreements with the Government of Canada respecting wildlife management, research or habitat. | 27. Le commissaire peut conclure avec le gouvernement du Canada des ententes concernant la gestion, la recherche ou l'habitat fauniques. | Ententes |
| Evidence of age, sex and species | 28. (1) Where by regulation the hunting of big game in a certain region is controlled by reference to age, species, or species and sex, a person shall not mutilate or destroy any of those prescribed parts that evidence the age, species, or species and sex, as the case may be, of big game hunted in that region until he or she has transported the game to his or her residence or to the place where he or she intends that it be consumed. | 28. (1) Lorsque, par règlement, le contrôle de la chasse du gros gibier dans une région donnée se fait en tenant compte de l'âge, de l'espèce, ou de l'espèce et du sexe, il est interdit de mutiler ou de détruire les parties réglementaires susmentionnées qui attestent l'âge, l'espèce, ou l'espèce et le sexe, le cas échéant, du gros gibier chassé dans cette région, avant de l'avoir transporté à sa résidence ou à l'endroit prévu pour sa consommation. | Preuve de l'âge, du sexe et de l'espèce |
| Possession of parts | (2) No person shall possess big game that has been subjected to any act in contravention of subsection (1). | (2) Il est interdit d'avoir en sa possession du gros gibier qui a été l'objet d'un acte accompli en violation du paragraphe (1). | Possession de parties de gibier |
| Definition of "wildlife sanctuary" | 29. (1) In this section, "wildlife sanctuary" means a sanctuary designated as a wildlife sanctuary under paragraph 18(2)(b). | 29. (1) Au présent article, «refuge faunique» s'entend d'un refuge ainsi désigné au titre de l'alinéa 18(2)b). | Définition de «refuge faunique» |
| Wildlife sanctuaries | (2) No person shall (a) hunt in, commence to hunt in or continue to hunt in a wildlife sanctuary; (b) without the authority of the Superintendent, be in possession of wildlife, nests, eggs or parts of nests or eggs that were acquired in a wildlife sanctuary; or (c) carry or have in his or her possession in a wildlife sanctuary a bow or crossbow. | (2) Il est interdit : a) de chasser, de commencer à chasser ou de continuer à chasser dans un refuge faunique; b) sans l'autorisation du surintendant, d'avoir en sa possession un animal de la faune, des nids, des oeufs ou des parties de nids ou d'oeufs provenant d'un refuge faunique; c) de porter ou d'avoir en sa possession, dans un refuge faunique, un arc ou une arbalète. | Réserves fauniques |
| Evidence | (3) The possession of any article mentioned in paragraph (2)(b) in a wildlife sanctuary is, in the absence of evidence to the contrary, proof that the article was acquired in that sanctuary. | (3) La possession d'un article mentionné à l'alinéa (2)b) dans un refuge faunique est, à défaut de preuve contraire, la preuve que l'article provient de ce refuge. | Preuve |
| Definitions 30. | "game preserve" means a preserve under the law applicable at the relevant date before July 1, 1979; (<i>réserve de chasse</i>) "wildlife preserve" means a wildlife preserve | 30. (1) Les définitions qui suivent s'appliquent au présent article. «réserve de chasse» Réserve au sens de la loi applicable à la date pertinente avant le 1 ^{er} juillet 1979. (<i>game preserve</i>) | Définitions |

| | | | |
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| Hunting in wildlife preserve | designated under paragraph 18(2)(c). (<i>réserve faunique</i>) (2) Subject to this section, no person shall hunt wildlife in a wildlife preserve. | «réserve faunique» Réserve ainsi désignée au titre de l'alinéa 18(2)c). (<i>wildlife preserve</i>) (2) Sous réserve des autres dispositions du présent article, il est interdit de chasser les animaux de la faune dans une réserve faunique. | Chasse dans une réserve faunique |
| Exception | (3) A holder of a general hunting licence who is (a) the child, wife or widow of a person who is, or was immediately before his or her death, eligible to hunt in a wildlife preserve or in a game preserve, and (b) dependent for his or her livelihood on hunting, may hunt in that wildlife preserve or the wildlife preserve corresponding to that game preserve. | (3) Peut chasser dans une réserve faunique ou dans une réserve faunique correspondant à une réserve de chasse, le titulaire d'un permis de chasse général, qui : a) est l'enfant, la femme ou la veuve d'une personne qui a ou avait, immédiatement avant son décès, le droit de chasser dans cette réserve faunique ou dans cette réserve de chasse; b) vit de la chasse. | Exception |
| Further exception | (4) The holder of a general hunting licence may hunt game in a wildlife preserve, other than prescribed game, that is sufficient to feed the holder and his or her dependants. | (4) Le titulaire d'un permis de chasse général peut chasser le gibier dans une réserve faunique, autre que le gibier réglementé, en quantité suffisante pour le nourrir et nourrir les personnes à sa charge. | Autre exception |
| Officer | (5) The Superintendent may, in the interests of wildlife management, authorize an officer to hunt in a wildlife preserve. | (5) Dans l'intérêt de la gestion de la faune, le surintendant peut autoriser un agent à chasser dans une réserve faunique. | Agent |
| HUNTING AND RELATED ACTIVITIES | | CHASSE ET ACTIVITÉS CONNEXES | |
| Hunting wildlife | 31. Subject to section 32, no person shall hunt wildlife of a genus mentioned in the prescribed schedule unless he or she (a) holds a licence authorizing him or her to do so; and (b) hunts in accordance with this Act, the regulations and the terms and conditions of the licence. | 31. Sous réserve de l'article 32, il est interdit de chasser un animal de la faune dont l'espèce est mentionnée dans l'annexe réglementaire, à moins de remplir les conditions suivantes a) être titulaire d'un permis à cet effet, b) chasser en conformité avec la présente loi, les règlements et les conditions du permis. | Chasse |
| Activity that is not hunting | 32. Notwithstanding anything in this Act or the regulations, a person is not hunting wildlife if, at the relevant time, he or she (a) is unarmed; or (b) any firearm that is in his or her possession is sealed and his or her activity is restricted to approaching that wildlife or luring or attempting to lure it into a specific location for the sole purpose of watching or photographing it. | 32. Par dérogation aux autres dispositions de la présente loi ou à ses règlements, ne chasse pas un animal de la faune la personne qui, au moment pertinent : a) n'est pas armée; b) a en sa possession une arme à feu scellée et dont l'activité se limite à approcher l'animal, à l'attirer ou à tenter de l'attirer dans un endroit précis dans le seul but de l'observer ou de le photographier. | Activité non assimilée à la chasse |
| Prohibited substances and equipment | 33. (1) Subject to this Act and the regulations, no person shall use or have in his or her possession while hunting | 33. (1) Sous réserve des autres dispositions de la présente loi et de ses règlements, il est interdit d'utiliser ou d'avoir en sa possession pendant la | Substances et équipement interdits |

- (a) any drug, poison or other substance that is harmful or lethal to wildlife if brought in contact with, consumed or absorbed by the wildlife and is of a kind that can be used in any manner for hunting;
- (b) a set gun or other mechanism designed to discharge missiles by mechanical means;
- (c) a four or eight gauge shotgun;
- (d) an automatic firearm of any description that is capable of firing more than one missile during one pressure of the trigger;
- (e) any recorded game calls or sounds or any mechanically or electrically operated calling device of any description; or
- (f) any prescribed equipment.

chasse :

- a) une substance qui, pour un animal de la faune, est nuisible ou mortelle si elle est mise en contact avec lui, s'il la consomme ou l'absorbe, et qui est de nature à être utilisée de quelque manière que ce soit pour la chasse;
- b) un fusil chargé ou autre mécanisme conçu pour tirer des missiles par des moyens mécaniques;
- c) un fusil de chasse de calibre quatre ou huit;
- d) toute arme à feu automatique qui peut tirer plusieurs missiles lorsqu'on appuie une fois sur la gachette;
- e) des cris ou sons de gibier enregistrés, ou tout autre dispositif d'appel mécanique ou électrique;
- f) tout équipement prescrit.

Permitted use

(2) The Superintendent, where the Superintendent considers it necessary for proper wildlife management, may by permit authorize an officer or other person to hunt by means of any article mentioned in the permit that would otherwise be prohibited by subsection (1).

(2) Le surintendant, lorsqu'il le juge nécessaire à la bonne gestion de la faune, peut, en lui délivrant un permis, autoriser un agent ou toute autre personne à chasser au moyen d'un article mentionné dans le permis, qui serait autrement interdit par le paragraphe (1).

Usage permis

Hunting from vehicle

34. (1) Subject to this section and subsection 38(3), no person shall hunt, or assist another person to hunt, from or with a vehicle.

34. (1) Sous réserve des autres dispositions du présent article et du paragraphe 38(3), il est interdit de chasser ou d'aider qui que ce soit à chasser d'un véhicule ou avec un véhicule.

Chasse à partir d'un véhicule

Air to ground communication

(2) No person shall use or attempt to use an aircraft to communicate by any means from the air to a person on land or water, information about the location of wildlife with the intention that the information be used for the purposes of hunting wildlife.

(2) Il est interdit d'utiliser ou d'essayer d'utiliser un aéronef pour transmettre, par quelque moyen que ce soit, à une personne qui est sur la terre ferme ou sur l'eau des renseignements sur l'emplacement du gibier pour qu'ils soient utilisés pour chasser le gibier.

Communication air-sol

Permitted activities

(3) Subsection (1) does not prohibit
 (a) the use of a vehicle to transport lawfully obtained wildlife, or
 (b) the use of an aircraft merely to search for wildlife,
 in a manner that does not contravene subsection (2) or the regulations.

(3) Le paragraphe (1) n'interdit pas :
 a) soit l'utilisation d'un véhicule pour le transport d'un animal de la faune obtenu légalement;
 b) soit l'utilisation d'un aéronef dans le seul but de chercher un animal de la faune, d'une façon qui ne contrevient pas au paragraphe (2) ou aux règlements.

Activités permises

Dogs

35. (1) No person shall use a dog to hunt big game other than polar bear, wolverine or prescribed big game, or allow a dog under his or her ownership or control to run free and pursue such big game.

35. (1) Il est interdit à une personne d'utiliser un chien pour chasser le gros gibier, sauf l'ours polaire, le carcajou ou le gros gibier réglementé, ou de laisser son chien ou un chien dont elle est responsable errer et poursuivre ce gros gibier.

Chiens

Transportation
by dogs

(2) Subsection (1) does not prohibit the use of a
dog solely for transportation.

(2) Le paragraphe (1) n'interdit
l'utilisation d'un chien pour le seul transport.

pas Transport par
les chiens

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| Right to kill dogs | (3) Where there is a contravention of subsection (1), an officer may kill the dog in question if the officer is unable to capture it. | (3) En cas d'infraction au paragraphe (1), un agent peut abattre le chien en question s'il est incapable de le capturer. | Droit d'abattre des chiens |
| Discharge of firearm | <p>36. No person shall</p> <ul style="list-style-type: none"> (a) discharge a firearm within or from a vehicle; (b) discharge a firearm from, or cause the missile from a firearm to pass along or across, the travelled portion of a road to which the public has a right of access and that is maintained by the expenditure of public funds; or (c) have in or on a vehicle a firearm that has a live shell or cartridge in the barrel, breech or firing compartment. | <p>36. Il est interdit :</p> <ul style="list-style-type: none"> a) de décharger une arme à feu dans un véhicule ou à partir d'un véhicule; b) de décharger une arme à feu à partir de la partie utilisée d'un chemin auquel le public a un droit d'accès et dont l'entretien est assuré grâce aux fonds publics, ou de faire passer le missile d'une arme à feu le long de ce chemin ou à travers celui-ci; c) d'avoir dans ou sur un véhicule une arme à feu ayant une cartouche non explosée dans le canon, la culasse ou la chambre. | Tir |
| Dangerous hunting | 37. No person shall hunt wildlife without due regard for the safety of other persons and property. | 37. Il est interdit de chasser des animaux de la faune sans égard pour la sécurité d'autrui et des biens. | Chasse dangereuse |
| Harassment of wildlife | <p>38. (1) Subject to subsection (3), no person shall without a permit entitling him or her to do so</p> <ul style="list-style-type: none"> (a) persistently or repeatedly chase, weary, harass or molest wildlife without intending to capture or kill it; (b) engage in any activity that is likely to result in a significant disturbance to a substantial number of wildlife animals; (c) break into, destroy or damage any den, beaver dam or lodge or muskrat push-up outside any municipality or prescribed area, unless authorized to do so by the regulations or any other law; or (d) destroy, disturb or take the eggs or nests of any birds mentioned in the prescribed schedule. | <p>38. (1) Sous réserve du paragraphe (3), il est interdit à quiconque n'est pas titulaire d'un permis l'autorisant à le faire :</p> <ul style="list-style-type: none"> a) de pourchasser, d'épuiser, de harceler ou de molester avec persistance ou à maintes reprises un animal de la faune, sans intention de le capturer ou de le tuer; b) de prendre part à une activité dont le résultat probable sera de déranger considérablement un grand nombre d'animaux de la faune; c) de détruire ou d'endommager une antre, une hutte ou un barrage de castors ou une hutte de rat musqué ou d'y pénétrer, à l'extérieur d'une municipalité ou d'une zone réglementée, sans y être autorisé par les règlements ou toute autre loi; d) de détruire, de déranger ou de prendre les oeufs ou les nids des oiseaux mentionnés dans l'annexe réglementaire. | Harcèlement d'animaux |
| Commissioner's right of action | (2) The Commissioner has a right of action against any person who wilfully or negligently and without legal justification destroys or damages any habitat, and the Commissioner may recover damages for any costs that the Government of the Northwest Territories may be required to expend to restore the habitat to or near to its original state. | (2) Le commissaire a un droit d'action contre quiconque volontairement ou négligemment et sans justification légale détruit ou endommage un habitat. Il peut recouvrer des dommages-intérêts pour tous les frais occasionnés au gouvernement des Territoires du Nord-Ouest pour remettre le plus possible l'habitat dans son état initial. | Droit d'action |

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| Bears | (3) A person may chase a bear away from a municipality, camp or settlement or its immediate vicinity where that action is necessary to defend life or property and makes it unnecessary to kill the bear, and a vehicle may be used in that chase. | (3) Il est permis de pourchasser un ours hors d'une municipalité, d'un camp ou d'une localité, ou de ses environs immédiats, si un tel acte est nécessaire pour protéger des vies ou des biens et permet d'éviter de le tuer. Dans un tel cas, il est permis d'utiliser un véhicule. | Ours |
| Protection of property and self-defence | 39. (1) Notwithstanding anything in this Act, a person may wound or kill wildlife if it is necessary (a) to preserve his or her or another person's life; or (b) to protect his or her property. | 39. (1) Par dérogation aux autres dispositions de la présente loi, il est permis de blesser ou de tuer un animal de la faune, si un tel acte est nécessaire : a) soit pour protéger sa propre vie ou celle d'autrui; b) soit pour protéger ses biens. | Protection des biens et légitime défense |
| Reporting wounding or killing | (2) Every person who wounds or kills wildlife under subsection (1) shall without delay report the wounding or killing to an officer and (a) give the wildlife to the officer, or (b) advise the officer of where the wildlife is located, and the officer shall dispose of the wildlife in the prescribed manner. | (2) Quiconque blesse ou tue un animal de la faune en vertu du paragraphe (1) signale immédiatement le fait à un agent et lui donne l'animal ou l'avise de l'emplacement de l'animal. L'agent dispose de l'animal de la façon réglementaire. | Rapport en cas de blessure ou mort |
| Prevention of starvation | 40. (1) Notwithstanding anything in this Act, a person may hunt wildlife and take the eggs of birds for food where it is necessary to prevent his or her or another person's starvation. | 40. (1) Par dérogation à la présente loi, il est permis de chasser un animal de la faune et de prendre les oeufs des oiseaux pour se nourrir, si un tel acte est nécessaire pour empêcher quelqu'un ou soi-même de mourir de faim. | Nécessité d'assurer sa subsistance ou celle d'autrui |
| Mismanagement | (2) Every person who invokes subsection (1) through mismanagement or poor planning commits an offence. | (2) Commet une infraction quiconque se prévaut du paragraphe (1) par suite d'une mauvaise gestion ou d'une mauvaise planification. | Mauvaise gestion |
| Wounded wildlife | 41. A person who wounds wildlife shall make every reasonable effort to retrieve it. | 41. Quiconque blesse un animal de la faune fait tout son possible pour le récupérer. | Animal de la faune blessé |
| Prohibited equipment for big game hunting | 42. (1) No person shall, unless authorized by the regulations, (a) hunt big game except with a firearm, a bow and arrow that comply with subsection (3) or a crossbow; or (b) use for the purpose of hunting big game (i) rim-fire ammunition, (ii) ammunition of less than 0.23 calibre, (iii) ammunition with an empty cartridge case measuring less than 44 mm in length, (iv) ammunition containing non-expanding or steel-jacketed bullets, or (v) ammunition known as tracer. | 42. (1) À moins d'en être autorisé par règlement, il est interdit : a) de chasser le gros gibier autrement qu'au moyen d'une arme à feu, d'un arc et d'une flèche conformes au paragraphe (3) ou d'une arbalète; b) d'utiliser, pour chasser le gros gibier, des munitions : (i) à percussion périphérique, (ii) de calibre inférieur à 0.23, (iii) dont la cartouche vide mesure moins de 44 mm de long, (iv) contenant des balles non explosives ou revêtues d'acier, (v) appelées balles traçantes. | Restrictions |

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| Bait for big game | (2) No person shall set out bait for big game, other than fur-bearing animals, without a permit entitling him or her to do so. | (2) Il est interdit d'attirer le gros gibier, sauf les animaux à fourrure, avec des appâts, à moins d'être titulaire d'un permis autorisant à le faire. | Appât pour le gros gibier |
| Bow and arrow | (3) A bow referred to in paragraph (1)(a) must have at least 20 kg draw weight at 700 mm draw and the arrow for it must have a broadhead point width of at least 25 mm at its widest point or an unbarbed three bladed bodkin head and must not contain any explosive material. | (3) L'arc mentionné à l'alinéa (1)a doit avoir une puissance minimale de 20 kg à 700mm, la flèche de l'arc doit avoir un fer d'une largeur minimale de 25 mm à son point le plus large ou une tête non barbelée à trois lames en forme de poinçon, et ne doit pas contenir d'explosifs. | Arc et flèche |
| Hunting for gain | 43. Except as authorized by this Act or the regulations, no person shall (a) hunt big game or upland game birds in the course of his or her employment or otherwise for money or money's worth; or (b) employ, pay or offer to employ or pay another person to hunt big game or upland game birds. | 43. À moins que la présente loi ou ses règlements ne l'autorisent, il est interdit : a) de chasser le gros gibier ou le gibier à plumes sédentaire dans le cadre de son emploi ou autrement contre rémunération; b) d'employer, de payer ou d'offrir d'employer ou de payer une autre personne pour qu'elle chasse le gros gibier à plumes sédentaire. | Chasse lucrative |
| Non-resident hunters | 44. Subject to the regulations, no non-resident or non-resident alien, other than a person who holds or is eligible to hold a general hunting licence, shall hunt prescribed big game in prescribed regions unless (a) he or she first obtains the services of a licensed outfitter or guide in respect of the hunt; and (b) is accompanied while hunting by a licensed guide. | 44. Sous réserve des règlements, un non-résident ou un étranger non résident, autre qu'une personne qui est ou peut être titulaire d'un permis de chasse général, ne peut chasser le gros gibier réglementé dans les régions prescrites que : a) s'il obtient d'abord pour la chasse les services d'un pourvoyeur ou d'un guide titulaire d'un permis; b) si un guide titulaire d'un permis l'accompagne pendant la chasse. | Chasseurs non résidents |
| Guide licence | 45. (1) No person shall guide hunters while hunting big game or small game for money or money's worth unless licensed to do so. | 45. (1) À moins d'être titulaire d'un permis autorisant à le faire, il est interdit de guider, contre rémunération, les chasseurs de gros ou de petit gibier. | Permis de guide |
| Prohibition respecting guides | (2) No guide shall act as a guide for a person who does not hold a licence to hunt big game or small game, as the case may be. | (2) Il est interdit de servir de guide à une personne qui n'est pas titulaire d'un permis de chasse du gros gibier ou du petit gibier, le cas échéant. | Interdiction touchant les guides |
| Prohibition against hunting | (3) Subject to subsection (4), no guide shall kill or wound or attempt to kill or wound wildlife while guiding a hunter. | (3) Sous réserve du paragraphe (4), un guide ne peut tuer, blesser ou tenter de tuer ou de blesser un animal de la faune pendant qu'il guide un chasseur. | Interdiction de chasser |
| Right of guide to kill wildlife | (4) Where a hunter has lawfully wounded wildlife and it appears that the wildlife may escape, a guide may, if requested to do so by the hunter, assist the hunter in retrieving the wildlife or kill the wildlife. | (4) Lorsqu'un chasseur a blessé légalement un animal de la faune et que l'animal pourrait s'échapper, le guide peut, à la demande du chasseur, l'aider à récupérer l'animal ou à l'abattre. | Droit du guide d'abattre l'animal |

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| Ammunition for hunting bison and polar bear | 46. No person shall for the purpose of hunting bison, and no person, other than the holder of a general hunting licence, shall for the purpose of hunting polar bear, use any ammunition that produces less than 2,800 joules of energy at the muzzle of the firearm. | 46. Pour la chasse du bison et, à moins d'être titulaire d'un permis de chasse général, pour la chasse de l'ours polaire, il est interdit d'utiliser des munitions qui produisent moins de 2 800 joules à la gueule de l'arme à feu. | Munitions pour la chasse du bison et de l'ours polaire |
| Hunting small game | 47. Unless authorized by the regulations, no person shall (a) hunt small game by any means other than a firearm, not being one prohibited by section 33, or a bow, a net, or a snare, deadfall, trap or other similar contrivance; or (b) for the purpose of hunting small game, use or have in his or her possession a shotgun of any description that at the relevant time can hold more than three shells in the magazine and firing chamber combined. | 47. À moins d'en être autorisé par règlement, il est interdit : a) de chasser le petit gibier autrement qu'au moyen d'une arme à feu, à l'exception de celles qui sont interdites par l'article 33, d'un arc, d'un filet ou d'un piège, d'un traquenard ou de tout autre dispositif semblable; b) pour chasser le petit gibier, d'utiliser ou d'avoir en sa possession un fusil de chasse qui, au moment pertinent, peut contenir plus de trois cartouches dans le magasin et la chambre ensemble. | Chasse du petit gibier |
| Fur-bearing animals | 48. (1) No person shall hunt fur-bearing animals by any means other than a firearm, not being one prohibited by section 33, or a snare, deadfall, trap or other similar contrivance. | 48. (1) Il est interdit de chasser des animaux à fourrure autrement qu'au moyen d'une arme à feu, à l'exception de celles qui sont interdites par l'article 33, ou d'un piège, d'un traquenard ou de tout autre dispositif semblable. | Animaux à fourrure |
| Bait | (2) No person shall, without a permit, set out or use the meat of big game suitable for human consumption, other than the meat of bear, wolf, wolverine or coyote, as bait for the purpose of hunting fur-bearing animals. | (2) Pour chasser des animaux à fourrure, il est interdit, sans être titulaire d'une licence, d'exposer ou d'utiliser comme appât la viande d'un gros gibier comestible, à l'exception de la viande d'ours, de loup, de carcajou ou de coyote. | Appât |
| Interference with traps | 49. No person other than an officer shall remove, molest, spring or otherwise interfere with any contrivance lawfully set by another person for the purpose of hunting fur-bearing animals. | 49. Seul un agent peut enlever, déranger ou déclencher un dispositif installé légalement par quelqu'un d'autre pour chasser des animaux à fourrure ou y toucher de toute autre façon. | Enlèvement des pièges |
| Removal and setting of traps | 50. A person who uses contrivances to hunt fur-bearing animals shall remove, spring or render harmless every contrivance used by him or her before or on the last day of each open season and shall not set them before the first day of an open season. | 50. Le dernier jour de la saison de chasse ou avant, la personne qui utilise des dispositifs pour chasser les animaux à fourrure enlève, fait jouer ou neutralise tout dispositif qu'elle a utilisé et ne l'installe que le premier jour de la saison de chasse. | Enlèvement et installation de pièges |
| Possession of falcons | 51. No person shall be in possession of a bird of the order <i>falconiformes</i> or any part of a bird of that order without a licence or permit entitling him or her to be in possession of it. | 51. Il est interdit d'avoir en sa possession un oiseau ou une partie d'oiseau de la famille des falconidés sans être titulaire d'un permis ou d'une licence à cet effet. | Possession de faucons |

POSSESSION AND USE
OF WILDLIFE

POSSESSION ET UTILISATION
D'UN ANIMAL DE LA FAUNE

Illegal
possession

52. (1) No person shall be in possession of any wildlife in contravention of this Act or the regulations.

52. (1) Il est interdit d'avoir en sa possession un animal de la faune en violation de la présente loi ou des règlements.

Possession
illégal

Deemed
possession

(2) For the purpose of subsection (1), a person shall be deemed to be in possession of wildlife who knowingly

(2) Pour l'application du paragraphe (1), est réputée être en possession d'un animal de la faune la personne qui, sciemment :

Présomption
de possession

- (a) has any interest in or right to that wildlife, regardless of where the wildlife is located or who actually possesses it; or
- (b) has dead wildlife or live wildlife confined in any place that he or she owns or uses either by himself or herself or with another person.

- a) ou bien a un intérêt dans l'animal de la faune ou un droit sur celui-ci, indépendamment de l'emplacement de l'animal ou de la personne qui en a la possession réelle;
- b) ou bien a un animal de la faune mort ou vivant, enfermé dans un endroit dont il est le propriétaire ou qu'il utilise soit seul, soit avec une autre personne.

Wildlife in
camps or
vehicles

(3) Where big game or upland game birds are found dead or in captivity or confinement in a camp or in a vehicle used wholly or partly in connection with the operation of a camp, the owner or person in charge of the camp or vehicle shall be deemed to be in possession of wildlife for the purposes of subsection (1).

(3) Pour l'application du paragraphe (1), lorsqu'un gros gibier ou un gibier à plumes sédentaire est trouvé mort, en captivité ou enfermé dans un camp ou un véhicule utilisé en tout ou en partie par rapport à l'exploitation d'un camp, le propriétaire ou la personne responsable du camp ou du véhicule est réputé être en possession de l'animal.

Animal de
la faune
trouvé dans
un camp ou
un véhicule

Unauthorized
acquisition

(4) A person who acquires prescribed wildlife without the authority of a licence or permit shall without delay report the acquisition to an officer and

(4) La personne qui, sans être titulaire d'un permis ou d'une licence, fait l'acquisition d'un animal de la faune réglementé signale immédiatement l'acquisition à un agent et lui remet l'animal ou l'avise de l'emplacement de l'animal. L'agent atteste ce fait et dispose de l'animal selon les modalités réglementaires.

Acquisition
non autorisée

- (a) give the officer the wildlife so acquired, or
- (b) advise the officer where the wildlife is located,

and the officer shall certify and dispose of the wildlife in the prescribed manner.

Permitted
possession

(5) Notwithstanding anything in this Act, a person is not in unlawful possession of wildlife

(5) Par dérogation aux autres dispositions de la présente loi, une personne n'a pas la possession illégale d'un animal de la faune :

Possession
permise

- (a) if he or she acts in accordance with subsection (4) and while he or she is acting in accordance with subsection (4);
- (b) if he or she gives wildlife to an officer or advises an officer where wildlife is located without delay after finding wildlife dead without an apparent owner or finding wildlife that appears to be diseased;
- (c) if he or she is in possession of wildlife

- a) si elle agit et pendant qu'elle agit en conformité avec le paragraphe (4);
- b) si elle remet l'animal à un agent ou informe l'agent de l'emplacement de l'animal immédiatement après l'avoir trouvé mort sans propriétaire apparent ou après avoir trouvé un animal qui semble malade;
- c) si elle est en possession de l'animal uniquement afin de sauver des vies;

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| | solely in order to preserve life; or | | |
| | (d) where this Act, the regulations or a licence or permit entitle the holder to perform an act, if his or her possession is reasonably incidental to that act. | d) si la possession découle raisonnablement d'un acte que la présente loi, ses règlements, un permis ou une licence autorisent le titulaire du permis ou de la licence à accomplir. | |
| Capture | 53. (1) No person shall capture live wildlife mentioned in the prescribed schedule unless he or she is licensed to do so. | 53. (1) À moins d'être autorisé à le faire par un permis, il est interdit de capturer un animal de la faune vivant mentionné dans l'annexe réglementaire. | Capture |
| Captive wildlife | (2) No person shall keep captive or feed for the purpose of keeping captive, any wildlife mentioned in the prescribed schedule, unless authorized to do so by a licence or permit. | (2) À moins d'être autorisé à le faire par un permis ou une licence, il est interdit de garder en captivité un animal mentionné dans l'annexe réglementaire ou de le nourrir dans le but de le garder en captivité. | Animal de la faune en captivité |
| Exception | (3) This section does not apply to animals included under the category of non-game animals in the prescribed schedule. | (3) Le présent article ne s'applique pas aux animaux qui font partie de la catégorie des animaux non considérés comme du gibier dans l'annexe réglementaire. | Exception |
| Trafficking in wildlife | 54. (1) Subject to this Act and the regulations, no person shall produce, buy, sell, trade, barter, gift or receive as a gift (a) a manufactured product; (b) the meat or any other part of wildlife; or (c) the nest, egg or part of the egg of any wildlife bird. | 54. (1) Sous réserve de la présente loi et de ses règlements, il est interdit de produire, d'acheter, de vendre, d'échanger, de troquer, de donner ou de recevoir en cadeau : a) un produit fabriqué; b) la viande ou toute autre partie d'un animal de la faune; c) le nid, l'oeuf ou une partie de l'oeuf d'un oiseau de la faune. | Trafic d'animaux de la faune |
| Inedible parts | (2) Subject to subsections (3) and (4), where big game, small game or fur-bearing animals have been killed lawfully a person may produce, buy, sell, trade, barter, gift or receive as a gift the inedible parts of that wildlife. | (2) Sous réserve des paragraphes (3) et (4), lorsqu'un gros gibier, un petit gibier ou un animal à fourrure a été tué légalement, une personne peut en produire, acheter, vendre, échanger, troquer, donner ou recevoir en cadeau les parties non comestibles. | Parties non comestibles |
| Inedible parts of wildlife killed for food | (3) Where a person lawfully kills wildlife for food other than under the authority of a licence, he or she shall not produce, sell, trade or barter that wildlife, but shall comply with subsection 52(4) with respect to the parts of it that are not eaten. | (3) La personne qui tue légalement un animal de la faune pour de la nourriture sans être titulaire d'un permis ne peut produire, vendre, échanger ou troquer cet animal, mais se conforme au paragraphe 52(4) à l'égard des parties de cet animal qui n'ont pas été mangées. | Parties non comestibles d'un animal de la faune tué pour de la nourriture |
| Wildlife killed for protection of property or self-defence | (4) Where a person lawfully kills wildlife in defence of life or property as permitted by this Act and other than under the authority of a licence, he or she shall not produce, sell, trade or barter that wildlife, but shall comply with subsection 52(4) with respect to it. | (4) La personne non titulaire d'un permis qui tue légalement un animal de la faune pour sauver des vies ou protéger des biens comme le permet la présente loi ne peut produire, vendre, échanger ou troquer cet animal, mais se conforme au paragraphe 52(4) à cet égard. | Animal de la faune tué pour protéger des biens ou en légitime défense |
| General hunting licence | (5) A person who holds or is eligible to hold a general hunting licence may buy, sell, barter, gift or | (5) La personne qui est ou peut être titulaire d'un permis de chasse général peut soit acheter, | Permis de chasse général |

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| | receive as a gift the meat of game from or to another person who holds or is eligible to hold a general hunting licence. | vendre, troquer ou donner en cadeau de la viande de gibier à une personne qui est ou peut être titulaire d'un permis de chasse général, soit en recevoir en cadeau de cette personne. | |
| Receipt of gift | (6) A person who does not hold or is not eligible to hold a general hunting licence may receive as a gift from a person who holds or is eligible to hold a general hunting licence the quantity of meat of game, and over the period, that may be prescribed. | (6) La personne qui n'est pas ou ne peut pas être titulaire d'un permis de chasse général peut recevoir en cadeau d'une personne qui est ou peut être titulaire d'un permis de chasse général la quantité réglementaire de viande de gibier pendant la période prescrite. | Cadeau |
| Illegal contracts | 55. Subject to this Act and the regulations, every person who is a party to a contract that provides directly or indirectly that wildlife is to be killed or captured for money or money's worth is guilty of an offence. | 55. Sous réserve de la présente loi et de ses règlements, commet une infraction quiconque est partie à un contrat qui prévoit directement ou indirectement qu'un animal de la faune doit être tué ou capturé contre rémunération. | Contrats illicites |
| Serving meat of game | 56. Subject to the regulations, no person shall serve as a meal or part of a meal big game or upland game birds at any place other than a private residence without a permit entitling him or her to do so, whether or not for money or money's worth. | 56. Sous réserve des règlements, il est interdit de servir comme repas ou partie d'un repas du gros gibier ou du gibier à plumes sédentaire ailleurs que dans une résidence privée sans être titulaire d'un permis à cet effet, que ce soit contre rémunération ou non. | Viande de gibier |
| Prohibition of wastage | 57. (1) Subject to the regulations, no person shall waste, destroy, abandon or allow to spoil (a) big game, other than bear, wolf, coyote or wolverine, or an upland game bird that is fit for human consumption; or (b) a raw pelt or raw hide of a fur-bearing animal or bear. | 57. (1) Sous réserve des règlements, il est interdit de gaspiller, de détruire, d'abandonner ou de permettre la détérioration : a) du gros gibier, à l'exception de l'ours, du loup, du coyote ou du carcajou, ou du gibier à plumes sédentaire comestible; b) d'une fourrure brute ou de la peau brute d'un animal à fourrure ou d'un ours. | Interdiction de gaspiller |
| Prohibition against feeding | (2) Subject to subsection (3), no person shall feed big game, other than bear, wolf, coyote or wolverine, or an upland game bird that is fit for human consumption, to any domestic animal or captive wildlife held for commercial purposes. | (2) Sous réserve du paragraphe (3), il est interdit de nourrir les animaux domestiques ou les animaux de la faune en captivité à des fins commerciales de gros gibier, sauf de viande d'ours, de loup, de coyote ou de carcajou, ou de gibier à plumes sédentaire qui est comestible. | Interdiction de nourrir |
| Exception for certain dogs | (3) A person may feed big game or upland game birds to dogs used for transportation at any time when they are being used for transportation and are at least 8 km from a municipality or settlement. | (3) Il est permis de nourrir de gros gibier ou de gibier à plumes sédentaire les chiens utilisés pour le transport, lorsqu'ils sont utilisés à cette fin et qu'ils sont à 8 km au moins d'une municipalité ou d'une localité. | Exception pour certains chiens |
| Transport within Territories | 58. Subject to the regulations, no person shall transport wildlife within the Territories unless (a) the wildlife was lawfully captured or killed under a licence that has not been invalid for a period exceeding 10 days; (b) he or she has a permit entitling him or her to transport wildlife within the | 58. Sous réserve des règlements, il est interdit de transporter un animal de la faune dans les territoires, sauf si, selon le cas : a) l'animal a été capturé ou tué légalement en vertu d'un permis qui n'était pas invalide depuis plus de 10 jours; b) la personne est titulaire d'une licence | Transport dans les territoires |

| | | | |
|-------------------------|---|---|---------------------------|
| | <p>Territories;</p> <p>(c) the wildlife consists wholly of hides or pelts of wildlife lawfully killed; or</p> <p>(d) the wildlife is a manufactured product.</p> | <p>l'autorisant à transporter des animaux de la faune dans les territoires;</p> <p>c) l'animal consiste entièrement en peaux ou en fourrures d'animal tué légalement;</p> <p>d) l'animal est un produit fabriqué.</p> | |
| Exportation of wildlife | 59. (1) No person shall export or receive for export any wildlife other than a manufactured product to a place outside the Territories unless the shipment has attached to it an export permit issued under this Act that contains a true statement of the species and quantities of wildlife being exported. | 59. (1) Il est interdit d'exporter ou de recevoir en vue de l'exportation à l'extérieur des territoires un animal de la faune autre qu'un produit fabriqué, à moins que la cargaison ne soit accompagnée d'une licence d'exportation délivrée en vertu de la présente loi qui comporte une déclaration véridique des espèces et des quantités d'animaux exportés. | Exportation |
| Importation of wildlife | (2) No person shall import from outside the Territories any live vertebrate that in its natural range is found wild in nature anywhere, unless he or she has a permit entitling him or her to do so or the vertebrate is a prescribed animal. | (2) Il est interdit à une personne d'importer de l'extérieur des territoires un vertébré vivant qui est trouvé à l'état sauvage dans son habitat naturel, à moins qu'elle soit titulaire d'une licence l'autorisant à le faire ou que le vertébré soit un animal réglementé. | Importation |
| Export permit | 60. (1) An export permit for the exportation of the meat of game may be issued to | 60. (1) Une licence d'exportation de viande de gibier peut être délivrée aux personnes suivantes : | Licence d'exportation |
| | <p>(a) the person who has lawfully killed the game by other than under the authority of a commercial tag; or</p> <p>(b) a person licensed to deal in the meat of game.</p> | <p>a) la personne qui a tué légalement le gibier autrement qu'en vertu d'une étiquette commerciale;</p> <p>b) une personne qui est autorisée à faire le commerce de la viande de gibier.</p> | |
| Discretion of Minister | (2) The issuance of an export permit to a person licensed to deal in the meat of game shall be at the discretion of the Minister. | (2) Une licence d'exportation peut être délivrée, à la discrétion du ministre, à une personne autorisée à faire le commerce de la viande de gibier. | Discretion du ministre |
| Requirements for permit | (3) Notwithstanding subsection (2), an export permit shall not be issued to a person licensed to deal in the meat of game, unless | (3) Sous réserve du paragraphe (2), une licence d'exportation ne peut être délivrée à une personne autorisée à faire le commerce de la viande de gibier, sauf si, selon le cas : | Conditions requises |
| | <p>(a) the game was taken under the authority of a commercial tag; or</p> <p>(b) the game is prescribed as game whose meat may be exported under this section.</p> | <p>a) le gibier a été pris en vertu d'une étiquette commerciale;</p> <p>b) le gibier est défini par règlement comme du gibier dont la viande peut être exportée en vertu du présent article.</p> | |
| What permit authorizes | (4) An export permit authorizes the person named in the permit to export the meat of game and, where the quantities of that meat are prescribed, only in the prescribed quantities. | (4) Une licence d'exportation autorise la personne y nommée à exporter de la viande de gibier et, lorsque les quantités de viande sont fixées par règlement, dans les seules quantités réglementaires. | Étendue de l'autorisation |
| Raw pelts and hides | 61. (1) Subject to this section, no person shall for money or money's worth or in the hope or expectation of money or money's worth acquire, trade, barter, sell, purchase, exchange, import, export, auction, tender, deal or traffic in or possess | 61. (1) Sous réserve des autres dispositions du présent article, il est interdit, contre rémunération ou espoir de rémunération, d'acquérir, de faire le commerce, de troquer, de vendre, d'acheter, d'échanger, d'importer, d'exporter, de vendre ou | Fourrures et peaux brutes |

raw pelts or raw hides.

d'offrir aux enchères, de négocier, de trafiquer ou d'avoir en sa possession des fourrures ou des peaux brutes.

Persons entitled to deal in raw pelts and hides

(2) The following persons are exempted from subsection (1):

- (a) a person who is licensed to hunt big game, fur-bearing animals or small game, in respect of the raw pelts or raw hides of game lawfully hunted by himself or herself;
- (b) a person who holds a fur dealer licence or a travelling fur dealer licence;
- (c) a licensed fur farmer, with respect to the raw pelts of fur-bearing animals lawfully raised on the farm specified in his or her licence.

(2) Les personnes suivantes ne sont pas visées par le paragraphe (1) :

- a) le titulaire d'un permis de chasse du gros gibier, des animaux à fourrure ou du petit gibier, en ce qui concerne les fourrures ou les peaux brutes du gibier qu'il a lui-même chassé légalement;
- b) le titulaire d'un permis de commerçant en fourrures ou de commerçant en fourrures itinérant;
- c) un éleveur d'animaux à fourrure autorisé, en ce qui concerne les fourrures brutes des animaux à fourrure élevés légalement sur la ferme indiquée dans son permis.

Personnes habilitées à faire le commerce des peaux

Acquisition or purchase for sole use

(3) A person may acquire or purchase for the sole use of himself or herself or his or her dependants and not for resale the prescribed quantities of raw pelts or raw hides, and different quantities may be prescribed as between residents and other persons.

(3) Il est permis de faire l'acquisition ou l'achat pour son usage personnel exclusif ou celui des personnes à sa charge, et non en vue de les revendre, les quantités réglementaires de fourrures ou de peaux brutes. Différentes quantités peuvent être fixées par règlement pour les résidents et les autres personnes.

Acquisition ou achat pour usage personnel

Tanners

62. (1) Subject to this Act and the regulations, no person shall for money or money's worth or in the hope or expectation of money or money's worth pluck, de-hair, dress, skin, flesh, tan, dye or preserve the pelt or hide of wildlife unless he or she holds a licence entitling him or her to do so.

62. (1) Sous réserve de la présente loi et des règlements, il est interdit, contre rémunération ou espoir de rémunération, de plumer, de dépiler, d'apprêter, d'écorcher, d'écharner, de tanner, de teindre ou de conserver la fourrure ou la peau d'un animal de la faune, à moins d'être titulaire d'un permis à cet effet.

Tanneurs

Lawfully killed wildlife

(2) A person may pluck, de-hair, dress, skin, flesh, tan, dye or preserve the pelt or hide of wildlife that he or she has lawfully killed.

(2) Une personne peut plumer, dépiler, apprêter, écorcher, écharner, tanner, teindre ou conserver la fourrure ou la peau d'un animal de la faune qu'elle a tué légalement.

Animal tué légalement

Licensed fur farmer

(3) A licensed fur farmer may skin and flesh the pelts of fur-bearing animals lawfully raised on the fur farm specified in his or her licence.

(3) Un éleveur d'animaux à fourrure autorisé peut écorcher et écharner les fourrures des animaux à fourrure élevés légalement sur la ferme indiquée dans son permis.

Éleveur d'animaux à fourrure autorisé

Taxidermists

63. No person shall for money or money's worth or in the hope or expectation of money or money's worth prepare, preserve, stuff or mount wildlife unless he or she holds a licence entitling him or her to do so.

63. À moins d'être titulaire d'un permis à cet effet, il est interdit, contre rémunération ou espoir de rémunération, de préparer, de conserver, d'empailler ou de monter des animaux de la faune.

Taxidermiste

Limitation on licence of tanner or taxidermist

64. The licence of a tanner or taxidermist does not authorize the holder of the licence to trade, barter, sell, exchange, export, auction, tender, deal or traffic in raw pelts or raw hides until they have been preserved or prepared by processes used in their

64. Le permis de tanneur ou de taxidermiste n'autorise pas son titulaire à faire le commerce des fourrures ou des peaux brutes, à les troquer, à les vendre, à les échanger, à les exporter, à les vendre ou à les offrir aux enchères, à en faire le trafic,

Restriction relative au permis de tanneur ou de taxidermiste

respective licensed businesses.

avant qu'elles soient conservées ou préparées selon les méthodes utilisées dans leurs commerces autorisés respectifs.

Outfitter
licence

65. (1) No person shall for money or money's worth or in the hope or expectation of money or money's worth provide or agree to provide guides or equipment to persons hunting or wishing to hunt big game or upland game birds unless he or she holds an outfitter licence and all such guides are licensed as guides.

65. (1) Il est interdit à une personne, contre rémunération ou espoir de rémunération, de fournir ou d'accepter de fournir des guides ou de l'équipement aux personnes qui chassent ou souhaitent chasser le gros gibier ou le gibier à plumes sédentaire, à moins qu'elle soit titulaire d'un permis de pourvoirie et que tous les guides soient titulaires d'un permis de guide.

Permis de
pourvoirie

Licence of
hunter

(2) An outfitter shall not outfit a person unless the person is licensed to hunt game of a species in respect of which the outfitting is being done.

(2) Le pourvoyeur n'offre ses services qu'aux personnes autorisées à chasser les espèces de gibier auxquelles la pourvoirie est destinée.

Permis de
chasseur

Game farm
licence

66. No person shall establish, own or operate a game farm unless licensed to do so.

66. À moins d'être titulaire d'un permis à cet effet, il est interdit d'établir ou d'exploiter une ferme de gibier, ou d'en être propriétaire.

Permis de
ferme de
gibier

ENFORCEMENT

EXÉCUTION

Arrest

67. An officer may arrest without a warrant any person whom the officer finds committing an offence under this Act or the regulations.

67. L'agent qui est témoin de la perpétration d'une infraction à la présente loi ou aux règlements peut arrêter le contrevenant sans mandat.

Arrestation

Search with
warrant

68. (1) Where an officer reasonably believes that a person is committing or has committed an offence under this Act or the regulations, the officer may

68. (1) L'agent qui croit raisonnablement qu'une personne est en train de commettre ou a commis une infraction à la présente loi ou aux règlements peut :

Perquisition
avec mandat

- (a) with a search warrant, enter and search any premises, conveyance, camp, box, bale, pack, container or parcel in which the officer reasonably believes that he or she may find any wildlife or other article evidencing the commission of the offence;
- (b) where a justice empowered to issue a search warrant is not readily available, without a search warrant, enter and search any premises, conveyance, camp, box, bale, pack, container or parcel in which the officer reasonably believes that he or she may find any wildlife or other article evidencing the commission of the offence; and
- (c) if in uniform, signal or request any person operating a vehicle or other transport to stop and may search it or any container found in or on it.

- a) muni d'un mandat de perquisition, pénétrer dans tout lieu, moyen de transport ou camp et les fouiller, ainsi que tout ballot, boîte, contenant ou paquet dans lequel il croit raisonnablement pouvoir trouver un animal de la faune ou un autre objet témoignant de la perpétration de l'infraction;
- b) lorsqu'il est difficile de trouver un juge de paix habilité à délivrer un mandat de perquisition, pénétrer sans mandat de perquisition dans tout lieu, moyen de transport ou camp et les fouiller, ainsi que tout ballot, boîte, contenant ou paquet dans lequel il croit raisonnablement pouvoir trouver un animal de la faune ou un objet témoignant de la perpétration de l'infraction;
- c) s'il est en uniforme, faire signe ou ordonner au conducteur d'un véhicule ou d'un autre moyen de transport

d'arrêter et fouiller ce véhicule ou ce moyen de transport, ainsi que tout contenant qui s'y trouve.

Use of force

(2) An officer making a search under this section may use the force that the officer reasonably considers necessary to facilitate the search, including the breaking of a lock or fastening.

(2) L'agent qui fait une perquisition en vertu du présent article peut utiliser la force qu'il croit raisonnablement nécessaire pour faciliter la perquisition, y compris le bris d'une serrure ou d'un verrouillage.

Utilisation de la force

Liability of officer and assistant

(3) An officer and person assisting an officer may, in the discharge of their duties, enter on and pass over any public or private lands without being liable for trespass, but the officer or person assisting the officer is liable for any damage that he or she wilfully or negligently does or causes.

(3) L'agent et son assistant peuvent, dans l'exercice de leurs fonctions, pénétrer sur un bien-fonds public ou privé et le traverser sans se rendre coupables d'intrusion. Ils sont toutefois responsables des dommages qu'ils causent volontairement ou négligemment.

Responsabilité de l'agent

Operation of transport

(4) A person to whom a signal or request is given or made under paragraph (1)(c) shall without delay stop the vehicle or transport, furnish the officer with the information that he or she may reasonably and lawfully require and remain stationary until permitted by the officer to proceed.

(4) La personne à qui un signal ou un ordre a été donné au titre de l'alinéa (1)c) est tenue d'arrêter immédiatement le véhicule ou le moyen de transport, de fournir à l'agent les renseignements qu'il peut raisonnablement et légitimement exiger et de rester immobile jusqu'à ce que l'agent lui donne la permission de repartir.

Arrêt immédiat

Seizure

69. (1) Where an officer, in making a search under this Act, finds in or on any premises, conveyance, camp, box, bale, pack, container or parcel wildlife that the officer reasonably suspects has been unlawfully killed or captured, or that is in unlawful possession contrary to this Act, the regulations or the *Export and Import Permits Act* (Canada), the officer may seize

- (a) the wildlife;
- (b) any box, bale, pack, container or parcel in which the wildlife is held;
- (c) where the officer considers it necessary, the conveyance in or on which the wildlife is held;
- (d) any firearms, ammunition, decoys, implements and appliances of a type used to hunt, found in or on the premises, conveyance, camp, box, bale, pack, container or parcel;
- (e) any papers, books, documents or records in or on the premises, conveyance, camp, box, bale, pack, container or parcel, or on any person found in or on the premises, conveyance or camp, which may afford evidence of the commission of such an offence; and
- (f) any wildlife, whether or not lawfully killed, captured or had in possession, that is so intermixed or annexed with

69. (1) L'agent qui, en faisant une perquisition en vertu de la présente loi, trouve, selon le cas, sur ou dans le lieu, le moyen de transport, le camp, la boîte, le ballot, le contenant ou le paquet un animal de la faune qu'il soupçonne raisonnablement avoir été tué ou capturé illégalement, ou dont la possession est contraire à la présente loi, à ses règlements ou à la *Loi sur les licences d'exportation et d'importation* (Canada), peut saisir :

- a) l'animal de la faune;
- b) la boîte, le ballot, le contenant ou le paquet dans lequel l'animal est gardé;
- c) s'il le juge nécessaire, le moyen de transport dans ou sur lequel l'animal de la faune est gardé;
- d) les armes à feu, les munitions, les appeaux, les instruments et appareils utilisés pour la chasse, trouvés, selon le cas, sur ou dans le lieu, le moyen de transport, le camp, la boîte, le ballot, le contenant ou le paquet;
- e) les pièces, livres, documents ou registres trouvés, selon le cas, sur ou dans le lieu, le moyen de transport, le camp, la boîte, le ballot, le contenant ou le paquet ou sur une personne trouvée sur ou dans le lieu, le moyen de transport ou le camp, qui sont susceptibles de fournir la preuve de la perpétration d'une telle infraction;

Saisie

or to wildlife falling within paragraph (a) that the latter wildlife cannot be seized without seizing it.

f) tout animal de la faune tué, capturé ou possédé légalement ou non, qui est tellement mêlé ou lié à un animal de la faune visé par l'alinéa a) que ce dernier ne peut pas être saisi sans le premier.

Procedure following seizure

(2) On seizing anything mentioned in subsection (1) an officer shall

- (a) give a receipt to the person, if known, having possession or custody of the thing or from whom it was seized;
- (b) retain the thing seized under lock and key until it is
 - (i) returned to the person referred to in paragraph (a), or
 - (ii) disposed of on the direction of a justice; and
- (c) if the owner or person in possession was not known at the time the thing was seized, furnish a justice with an affidavit stating that the officer has reason to believe that an offence has been committed and the connection between the thing and the alleged offence.

(2) Lorsqu'il saisit un objet mentionné au paragraphe (1), l'agent :

- a) donne un reçu à la personne, si elle est connue, ayant la possession ou la garde de l'objet ou des mains de qui il a été saisi;
- b) garde l'objet saisi sous clef jusqu'à ce qu'il soit retourné à la personne mentionnée à l'alinéa a) ou qu'il en soit disposé selon les directives d'un juge de paix;
- c) si le propriétaire ou la personne qui en a la possession n'est pas connu au moment de la saisie, fournit au juge de paix un affidavit dans lequel l'agent déclare avoir des raisons de croire qu'une infraction a été commise et indique la relation entre l'objet et l'infraction présumée.

Procédure à suivre

Federal offence

(3) Where a thing seized under subsection (1) relates to a suspected offence under the *Export and Import Permits Act* (Canada) the officer shall turn it over to a member of the Royal Canadian Mounted Police or a Canada Customs official to be held pending investigation.

(3) Lorsqu'un objet saisi en vertu du paragraphe (1) se rapporte à une infraction soupçonnée d'avoir été commise en violation de la *Loi sur les licences d'exportation et d'importation* (Canada), l'agent le remet à un membre de la Gendarmerie royale du Canada ou à un fonctionnaire de Douanes Canada, qui le garde jusqu'à la tenue d'une enquête. L.T.N.-O. 1995, ch. 11, art. 68.

Infraction fédérale

Disposition of thing seized

70. (1) Anything that is seized under section 69 shall be taken by the officer before a justice who may order the thing to be forfeited to Her Majesty in right of Canada and, on the making of that order, it is forfeited.

70. (1) Tout objet saisi en vertu de l'article 69 est produit devant un juge de paix, qui peut ordonner la confiscation de l'objet au profit de Sa Majesté du chef du Canada. La confiscation prend effet au moment où l'ordonnance est rendue.

Confiscation de l'objet saisi

Hardship

(2) Where a justice is satisfied that the seizure of a thing is causing undue hardship or injustice, the justice may direct that it be returned to the person from whom it was seized on the terms and conditions that the justice may order.

(2) Le juge de paix convaincu que la saisie d'un objet cause un préjudice indu ou une injustice peut ordonner qu'il soit retourné à la personne de qui il a été saisi, aux conditions qu'il fixe.

Préjudice

Perishable items

(3) Where a justice considers that any wildlife or other thing seized will or could rot, spoil or otherwise perish, the justice may order that it be sold or disposed of in the manner that the justice may order and that the proceeds of sale be paid in the manner directed in the order.

(3) Le juge de paix qui estime qu'un animal de la faune ou autre objet saisi risque de pourrir, de se détériorer ou de s'abîmer d'une autre façon, peut ordonner qu'il soit vendu ou qu'il en soit disposé de la façon qu'il prescrit, et que le produit de la vente soit payé de la manière précisée dans l'ordonnance.

Objets périssables

L.T.N.-O. 1995, ch. 11, art. 68.

| | | | |
|------------------------------|---|--|--------------------------------------|
| Liability for loss or damage | 71. No right of action lies and no right of compensation exists against the Crown or the Commissioner or any officer for loss or damage arising from the disposal of any wildlife or other thing under this Act or from the deterioration of any wildlife during any period when it is under seizure unless the officer was negligent in the case of the wildlife or thing. | 71. Ni la Couronne, ni le commissaire, ni l'agent ne peuvent faire l'objet d'une poursuite ou d'une demande de dédommagement relativement aux pertes ou dommages découlant de la disposition d'un animal de la faune ou autre objet en application de la présente loi, ou de la détérioration d'un animal de la faune pendant la période au cours de laquelle il est saisi, à moins que l'agent n'ait été négligent. | Responsabilité pour perte ou dommage |
| Inspection | 72. The manager or owner of premises where a licensed business is operated shall, on demand being made by an officer between the hours of 9 a.m. and 6 p.m., without delay produce to the officer for inspection (a) any prescribed statements, records or books that he or she is required to keep; and (b) all wildlife in his or her possession. | 72. À la demande d'un agent faite entre 9 h et 18 h, le gérant ou le propriétaire de l'établissement où est exploité un commerce agréé lui remet immédiatement pour inspection : a) les déclarations, registres ou livres réglementaires qu'il est obligé de tenir; b) les animaux de la faune en sa possession. | Inspection |
| Seizure of records | 73. Where it appears to an officer that a person who is legally required to keep or forward prescribed books, records or statements (a) is not keeping them in the prescribed manner, or (b) has failed to forward them, at the times and in the manner prescribed, the officer may, without a warrant, seize them or any other books, records or statements found in the possession of that person that relate or may relate to them. | 73. L'agent qui est d'avis qu'une personne obligée par la loi de tenir ou d'envoyer des livres, registres ou déclarations réglementaires : a) ne les tient pas selon les modalités réglementaires; b) a omis de les envoyer dans les délais et selon les modalités réglementaires, peut, sans mandat, les saisir ou saisir tout autre livre, registre ou déclaration trouvé en la possession de cette personne qui s'y rapportent ou peuvent s'y rapporter. | Saisie de registres |
| Examination for disease | 74. (1) An officer may seize wildlife for examination where the officer has reasonable cause to believe that the wildlife is diseased. | 74. (1) L'agent qui a tout lieu de croire qu'un animal de la faune est malade peut le saisir pour l'examiner. | Examen en cas de maladie |
| Compensation | (2) Where an officer seizes hides or pelts under subsection (1), the Superintendent may, if the Superintendent thinks fit, pay compensation to the person from whom they are seized. | (2) Le surintendant peut, s'il le juge indiqué, indemniser la personne de qui l'agent a saisi des peaux ou des fourrures en vertu du paragraphe (1). | Indemnisation |
| Destruction | (3) Where any wildlife seized under this Act is found on examination in a laboratory or by a veterinarian to be diseased, the Superintendent may direct that it be destroyed. | (3) Le surintendant peut ordonner la destruction d'un animal de la faune, saisi en vertu de la présente loi, qui est trouvé malade après examen dans un laboratoire ou par un vétérinaire. | Destruction |

ADMINISTRATION

75. (1) The Minister may exercise the powers conferred and shall perform the duties imposed on the Minister by this Act and the regulations and may delegate any of these powers or duties to the Superintendent.

APPLICATION

75. (1) Le ministre peut exercer les pouvoirs et remplit les fonctions que lui confèrent la présente loi et ses règlements, et il peut déléguer ces pouvoirs et fonctions au surintendant.

Fonctions du ministre

| | | | |
|---|--|--|--|
| Superintendent | (2) A public officer shall be appointed by the Minister to be the Superintendent of Wildlife. | (2) Le ministre nomme un fonctionnaire au poste de surintendant de la faune. | Surintendant |
| Powers and duties of Superintendent | (3) The Superintendent may exercise the powers conferred and shall perform the duties imposed on the Superintendent by this Act and the regulations and the powers may be exercised and the duties may be performed by the Minister. | (3) Le surintendant peut exercer les pouvoirs et remplit les fonctions que lui confèrent la présente loi et ses règlements, et le ministre peut exercer ces pouvoirs et fonctions. | Pouvoirs et fonctions du surintendant |
| Wildlife officers | 76. (1) The Minister may appoint persons to act as wildlife officers. | 76. (1) Le ministre peut nommer des agents de la faune. | Agents de la faune |
| Ex officio wildlife officers | (2) The following persons are <i>ex officio</i> wildlife officers for the purposes of this Act and the regulations: (a) all members of the Royal Canadian Mounted Police; (b) all fishery officers appointed under subsection 5(1) of the <i>Fisheries Act</i> (Canada); (c) all chiefs elected in accordance with the <i>Indian Act</i> (Canada); (d) the president of every Hunters' and Trappers' Association; (e) the Superintendent. | (2) Pour l'application de la présente loi et de ses règlements, les personnes suivantes sont d'office agents de la faune : a) tous les membres de la Gendarmerie royale du Canada; b) tous les agents des pêches nommés en vertu du paragraphe 5(1) de la <i>Loi sur les pêches</i> (Canada); c) tous les chefs élus en conformité avec la <i>Loi sur les Indiens</i> (Canada); d) les présidents de toutes les associations de chasseurs et trappeurs; e) le surintendant. | Agents d'office |
| Exemption | (3) Notwithstanding paragraphs (2)(c) and (d), the Commissioner, on the recommendation of the Minister, may by regulation exempt a chief elected in accordance with the <i>Indian Act</i> (Canada) and the president of any Hunters' and Trappers' Association from the application of paragraph (2)(c) or (d). | (3) Par dérogation aux alinéas (2)c) et d), le commissaire, sur recommandation du ministre, peut, par règlement, soustraire à l'application de l'alinéa 2c) ou d) le chef élu en conformité avec la <i>Loi sur les Indiens</i> (Canada) et le président d'une association de chasseurs et trappeurs. | Exemption |
| Powers and duties of officers | (4) Officers may exercise the powers conferred and shall perform the duties imposed by this Act and the regulations and shall perform the duties imposed by the Superintendent. | (4) Les agents peuvent exercer les pouvoirs et remplissent les fonctions que leur confèrent la présente loi et ses règlements, et ils remplissent les fonctions que leur attribue le surintendant. | Pouvoirs et fonctions des agents |
| Oaths, affidavits | (5) An officer may administer all oaths and affirmations and take and receive all affidavits and statutory declarations required under this Act or the regulations and certify the administration or taking or receiving of them. | (5) Un agent peut faire prêter tous les serments, recevoir toutes les affirmations solennelles, les affidavits, les déclarations solennelles que prévoient la présente loi ou ses règlements, et les attester. | Serments et affidavits |
| Wildlife guardians | 77. The Minister may appoint wildlife guardians from persons residing within any region whose duties shall be imposed by the Superintendent and restricted to that region. | 77. Le ministre peut nommer des gardes-chasse parmi les résidents d'une région. Leurs fonctions leur sont assignées par le surintendant et se limitent à cette région. | Gardes-chasse |
| Remuneration of persons assisting in management | 78. The Superintendent may authorize payment in the prescribed amount and manner to any person in consideration for that person transporting or handling wildlife (a) that has been lawfully killed to preserve the life of that person or | 78. Le surintendant peut autoriser le paiement du montant prescrit selon les modalités réglementaires à la personne qui transporte ou garde un animal de la faune : a) qui a été tué légalement afin de protéger la vie de cette personne ou de quelqu'un | Rémunération des personnes qui aident à la gestion |

- another person;
- (b) that the person reasonably believes to be diseased; or
 - (c) that the person finds dead in the absence of anyone purporting to have lawful possession of it.

- d'autre:
- b) qu'elle a tout lieu de croire malade;
 - c) qu'elle trouve mort en l'absence de quiconque prétend en avoir la possession légale.

| | | | |
|---------------------------------|---|---|---------------------------------------|
| Oath or affirmation | 79. Every officer, other than an <i>ex officio</i> officer, and every wildlife guardian shall, before acting as an officer or wildlife guardian, take and subscribe an oath or affirmation in the following form, translated, where applicable, into his or her native language: I,, do solemnly (swear/affirm) that I will diligently, impartially and to the best of my ability, execute and perform the duties required of me as a (wildlife officer/wildlife guardian), and will follow all lawful instructions that I receive as a (wildlife officer/wildlife guardian), without fear, favour or affection of or toward any person. (So help me God/I so affirm). | 79. Avant leur entrée en fonctions, les agents, sauf les agents d'office, et les gardes-chasse prêtent serment ou font une affirmation solennelle selon la formule suivante, qui est traduite, s'il y a lieu, dans leur langue maternelle : Je,....., (jure ou affirme) solennellement que je remplirai diligemment, impartialement et de mon mieux les fonctions (d'agent de la faune/de garde-chasse) et que je suivrai toutes les directives légitimes que je recevrai en cette qualité sans crainte ni favoritisme ou affection envers qui que ce soit. (Que Dieu me soit en aide/Je l'affirme). | Serment ou affirmation solennelle |
| Issuing licences and permits | 80. (1) Subject to this section and any instructions of the Superintendent, every officer may issue any licence or permit. | 80. (1) Sous réserve des autres dispositions du présent article et des directives du surintendant, les agents peuvent délivrer les permis ou les licences. | Délivrance des permis et des licences |
| Other vendors | (2) The Superintendent may appoint (a) any employee of the Government of the Northwest Territories or the Government of Canada as a vendor for the purpose of issuing the licences or permits that the Superintendent in writing directs; and (b) other suitable persons not falling within subsection (1) or paragraph (a) to act as vendors to issue the licences or permits that the Superintendent in writing directs and these vendors shall be remunerated in the prescribed manner and amount. | (2) Le surintendant peut nommer : a) un employé du gouvernement des Territoires du Nord-Ouest ou du gouvernement du Canada comme agent de délivrance de permis ou de licences selon les directives écrites du surintendant; b) toutes les autres personnes compétentes qui ne sont pas visées par le paragraphe (1) ou l'alinéa a) afin qu'elles agissent comme agents de délivrance des permis ou des licences selon les directives écrites du surintendant. Ces agents reçoivent, selon les modalités réglementaires, la rémunération prescrite. | Autres agents de délivrance |
| Remuneration | (3) No person, other than a person appointed under paragraph (2)(b), shall be remunerated for acting as a vendor. | (3) Seules les personnes nommées au titre de l'alinéa (2)b) peuvent être rémunérées pour avoir agi comme agents de délivrance. | Rémunération |
| Issuing general hunting licence | (4) No person, other than the Superintendent, shall issue a general hunting licence. | (4) Seul le surintendant peut délivrer un permis de chasse général. | Permis de chasse général |

OFFENCES AND PUNISHMENT

INFRACTIONS ET PEINES

- | | | | |
|---------------|---|---|------------|
| Impersonation | 81. (1) Every person is guilty of an offence who, | 81. (1) Commet une infraction quiconque n'étant | Usurpation |
|---------------|---|---|------------|

| | | | |
|--|---|---|--|
| of officer | <p>not being an officer and with intent to deceive,</p> <p>(a) wears the uniform of an officer;</p> <p>(b) wears the badge of an officer;</p> <p>(c) carries the identification or certificate of appointment of an officer; or</p> <p>(d) impersonates an officer.</p> | <p>pas un agent, dans le but d'induire en erreur :</p> <p>a) porte l'uniforme d'un agent;</p> <p>b) porte l'insigne d'un agent;</p> <p>c) porte sur lui la pièce d'identité ou le certificat de nomination d'un agent;</p> <p>d) se fait passer pour un agent.</p> | du titre d'agent |
| Exercise of powers of officer | (2) Every person who without lawful authority exercises or purports or attempts to exercise any of the powers of an officer is guilty of an offence. | (2) Commet une infraction quiconque, sans autorité légitime, exerce, prétend exercer ou tente d'exercer les pouvoirs d'un agent. | Exercice des pouvoirs de l'agent |
| Obstructing officer | 82. Every person who obstructs, delays, hinders or interferes with an officer in the lawful execution of his or her duties under this Act or the regulations is guilty of an offence. | 82. Commet une infraction quiconque entrave, retarde, gêne un agent ou lui fait obstacle dans l'exercice légitime des fonctions que lui confèrent la présente loi ou ses règlements. | Entrave à un agent |
| Interference with lawful hunting | 83. Every person, other than a person authorized by law to do so, who interferes with the lawful hunting of wildlife for the purpose of disrupting the hunting of that wildlife, is guilty of an offence and liable on summary conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding one year or to both. | 83. Commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 10 000 \$ et un emprisonnement maximal d'un an, ou l'une de ces peines, quiconque, sauf une personne autorisée à le faire en vertu de la loi, entrave la chasse légale d'un animal de la faune dans le but de la perturber. | Obstacle à la chasse |
| Use of licence or permit of another person | 84. Every person is guilty of an offence who has physical possession of a licence or permit issued to another person and | 84. Commet une infraction quiconque ayant la possession matérielle d'un permis ou d'une licence délivré à une autre personne : | Utilisation du permis ou de la licence d'une autre personne |
| (a) claims to be that other person; or | (b) exercises or purports or attempts to exercise any rights or privileges carried by the licence or permit which he or she would not otherwise have. | a) ou bien prétend être cette autre personne; | b) ou bien exerce, prétend exercer ou tente d'exercer des droits ou privilèges auxquels donne droit le permis ou la licence et auxquels il n'aurait pas droit autrement. |
| Inducement, aiding and abetting | 85. Every person who knowingly induces, aids or abets or attempts to induce, aid or abet another person to commit an offence under this Act or the regulations is guilty of an offence. | 85. Commet une infraction quiconque, en toute connaissance de cause, engage, aide ou encourage une autre personne à enfreindre une disposition de la présente loi ou de ses règlements, ou tente de le faire. | Incitation |
| False information | 86. (1) No person shall make or give false or misleading entry, statement, particulars or information in an application for a licence or permit or in any form, book, record or other document required by this Act or the regulations. | 86. (1) Il est interdit de passer une écriture ou de faire une déclaration fausse ou trompeuse, de donner des détails ou des renseignements faux ou trompeurs dans une demande de permis ou de licence ou dans un formulaire, un livre, un registre ou autre document exigé par la présente loi ou ses règlements. | Faux renseignements |
| Vendor | (2) Every vendor who falsifies an application for a licence or permit on behalf of another person is guilty of an offence. | (2) Commet une infraction l'agent de délivrance qui falsifie une demande de permis ou de licence pour le compte d'une autre personne. | Agent de délivrance |
| Signs | 87. (1) No person, other than an officer or a person authorized in writing by an officer, shall | 87. (1) Seuls les agents ou les personnes munies d'une autorisation écrite d'un agent peuvent, selon le | Enseignes |

- (a) post any sign relating to this Act or the regulations, or
- (b) remove, deface, destroy or knock down any sign relating to this Act or the regulations,

and any person so authorized shall act within the limits of his or her written authority.

- cas :
- a) poser une enseigne ayant un rapport avec la présente loi ou ses règlements;
 - b) enlever, barbouiller, détruire ou renverser une enseigne ayant un rapport avec la présente loi ou ses règlements.
- Les personnes ainsi autorisées ne peuvent agir que dans les limites de leur autorisation écrite.

Order to remove sign

(2) A person who posts a sign contrary to subsection (1) shall without delay remove it on being ordered to do so by an officer.

(2) La personne qui pose une enseigne en violation du paragraphe (1) l'enlève immédiatement si un agent lui en donne l'ordre.

Ordre d'enlever l'enseigne

Removal by officer

(3) An officer or a person authorized in writing by an officer may remove a sign posted contrary to subsection (1).

(3) L'agent ou la personne munie d'une autorisation écrite de l'agent peut enlever une enseigne posée en violation du paragraphe (1).

Enlèvement par l'agent

Obliterating marks

88. Subject to this Act and the regulations, no person shall obliterate, spoil, alter or duplicate

- (a) any stamp, tag, brand or other identifying mark that has been placed on wildlife by an officer or a person authorized by an officer; or
- (b) any signature placed on any document that relates to this Act or the regulations.

88. Sous réserve des autres dispositions de la présente loi et de ses règlements, il est interdit d'oblitérer, d'abîmer, d'altérer ou de reproduire :

- a) un timbre, une étiquette, une marque ou un autre signe d'identification qui a été placé sur un animal de la faune par un agent ou par une personne autorisée par lui;
- b) une signature figurant sur un document relatif à la présente loi ou à ses règlements.

Oblitérations

Refuse

89. No person shall in any place outside a municipality or settlement store, dispose of or allow to accumulate any refuse in a manner that

- (a) substantially alters the habitat in that place or its immediate vicinity, or
- (b) attracts or is likely to attract wildlife to that place or its vicinity,

but this section does not apply to a refuse dump situated in the vicinity of a municipality or settlement that serves the whole or a substantial part of that municipality or settlement.

89. Il est interdit, dans un endroit situé à l'extérieur d'une municipalité ou d'une localité, d'entreposer ou de se débarrasser des ordures, ou de permettre leur accumulation d'une manière qui, selon le cas :

- a) altère considérablement l'habitat à cet endroit ou dans ses environs immédiats;
- b) attire ou risque d'attirer des animaux de la faune à cet endroit ou dans ses environs.

Cependant, le présent article ne s'applique pas à un dépotoir situé dans les environs d'une municipalité ou d'une localité, qui est utilisé par l'ensemble ou une partie importante de la municipalité ou de la localité.

Ordures

Peregrine falcons and gyrfalcons

90. Every person who

- (a) is in possession of a peregrine falcon or gyrfalcon contrary to section 51, or
- (b) who hunts a peregrine falcon or gyrfalcon contrary to section 31,

is guilty of an offence and liable on summary conviction to a fine of not less than \$2,000 dollars and not exceeding \$10,000 or to imprisonment for a term not exceeding two years or to both.

90. Commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende minimale de 2 000 \$ et une amende maximale de 10 000 \$, ou un emprisonnement maximal de deux ans, ou l'une de ces peines, quiconque, selon le cas :

- a) a en sa possession un faucon pèlerin ou un gerfaut en violation de l'article 51;
- b) chasse un faucon pèlerin ou un gerfaut

Faucon pèlerin

en violation de l'article 31.

General
punishment

91. Every person who contravenes a provision of this Act or the regulations for which no specific punishment is provided is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year or to both.

91. Commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 1 000 \$ et un emprisonnement maximal d'un an, ou l'une de ces peines, quiconque enfreint une disposition de la présente loi ou de ses règlements dont la violation n'est pas sanctionnée par une peine spécifique.

Peine
générale

Separate
offences

92. (1) Where a contravention of this Act or the regulations involves more than one wildlife animal, a separate offence is committed with respect to each animal.

92. (1) Lorsqu'une infraction à la présente loi ou à ses règlements met en cause plusieurs animaux de la faune, une infraction distincte est commise relativement à chaque animal.

Infractions
distinctes

Continuing
offence

(2) A contravention of this Act or the regulations that is of a continuing nature constitutes a separate offence in respect of each day or part of a day during which it continues.

(2) Il est compté une infraction distincte à la présente loi ou à ses règlements pour chacun des jours au cours desquels la perpétration se réalise ou se continue.

Infractions
continues

Proof of origin
of wildlife

93. In any proceedings under this Act or the regulations wildlife found in the Territories shall be presumed to have been hunted in the Territories unless the contrary is proved.

93. Sauf preuve contraire, dans une instance introduite en vertu de la présente loi ou de ses règlements, un animal de la faune trouvé dans les territoires est présumé avoir été chassé dans les territoires.

Preuve de
l'origine
d'un animal
de la faune

Certificate of
Superintendent

94. (1) In any proceedings under this Act or the regulations in which proof is required respecting

- (a) the issue, suspension or cancellation of a licence or permit,
- (b) the person named in a licence or permit,
- (c) the appointment or authority of an officer, or
- (d) the delivery, service, mailing or giving of any notice or document by the Commissioner, the Minister or the Superintendent,

a certificate signed by the Superintendent is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without further proof of the appointment or signature of the Superintendent.

94. (1) Dans une instance introduite sous le régime de la présente loi ou de ses règlements dans laquelle la preuve est requise relativement :

- a) à la délivrance, la suspension ou l'annulation d'un permis ou d'une licence;
- b) au titulaire d'un permis ou d'une licence;
- c) à la nomination ou aux pouvoirs d'un agent;
- d) à la remise, la signification, l'envoi par la poste ou la transmission d'un avis ou d'un document par le ministre, le commissaire ou le surintendant.

un certificat signé par le surintendant est, à défaut de preuve contraire, admissible comme preuve des faits y énoncés sans qu'il soit nécessaire de prouver la nomination ou la signature du surintendant.

Certificat du
surintendant

Name of
person charged

(2) Where

- (a) a person is charged with a contravention of this Act or the regulations, and
 - (b) the person charged identifies himself or herself as the person named in a licence, whether or not valid or subsisting, in his or her possession,
- the person laying an information or making a complaint in respect of the contravention may, in

(2) Lorsque :

- a) d'une part, une personne est accusée d'une infraction à la présente loi ou à ses règlements;
- b) d'autre part, la personne accusée s'identifie comme la personne nommée dans un permis en sa possession, qu'il soit valide ou non, ou qu'il soit en vigueur,

la personne qui dépose la dénonciation ou qui

Nom de la
personne
accusée

the information or complaint, name the person charged by the name shown on the licence and no proceedings or conviction is defective on the ground that the person charged is not the person named in the licence, but for all purposes the conviction shall be treated as being made against the person charged and not the person named in the licence.

formule une plainte relativement à l'infraction peut, dans la dénonciation ou la plainte, nommer la personne accusée par le nom qui figure sur le permis et aucune instance ou condamnation n'est entachée d'un vice pour le motif que la personne accusée n'est pas la personne nommée dans le permis, mais, en pratique, la condamnation sera considérée comme ayant été prononcée à l'encontre de la personne accusée et non à l'encontre de la personne nommée dans le permis.

Certificate
from
laboratory

(3) In a prosecution under this Act or the regulations, a certificate signed by the person in charge of a laboratory operated, maintained or supported by the Government of Canada, the government of a province or the Yukon Territory or the Royal Canadian Mounted Police, or his or her assistant or any person acting in his or her place is, in the absence of evidence to the contrary, proof of the facts stated in the certificate and of the authority of the person signing the certificate without further proof of his or her appointment or signature.

(3) Dans une poursuite engagée en vertu de la présente loi ou de ses règlements, un certificat signé par la personne responsable d'un laboratoire exploité, tenu ou financé par le gouvernement du Canada, le gouvernement d'une province ou du territoire du Yukon, ou par la Gendarmerie royale du Canada, son assistant ou une personne qui le remplace fait foi, à défaut de preuve contraire, des faits énoncés dans le certificat et des pouvoirs de la personne qui l'a signé sans qu'il soit nécessaire de prouver sa nomination ou sa signature.

Certificat du
laboratoire

Certificate of
Superintendent

(4) In any proceedings under this Act or the regulations, a certificate signed by the Superintendent stating that wildlife

(4) Dans une instance introduite en vertu de la présente loi ou de ses règlements, un certificat signé par le surintendant indiquant qu'un animal de la faune :

Certificat du
surintendant

- (a) has been examined by a person qualified to judge and classify wildlife, and
- (b) is of a certain species or sex or is in a certain condition,

- a) a été examiné par une personne possédant les qualités requises pour juger et classer un animal de la faune;
- b) est de telle espèce, de tel sexe ou dans tel état,

is, in the absence of evidence to the contrary, proof of the facts stated in the certificate and of the authority of the Superintendent without further proof of the appointment or signature of the Superintendent.

fait foi, à défaut de preuve contraire, des faits énoncés dans le certificat et des pouvoirs du surintendant sans qu'il soit nécessaire de prouver la nomination ou la signature du surintendant.

L.T.N.-O. 1995, ch. 11, art. 68.

Burden of
proof

95. In any proceedings in respect of the contravention of a provision of this Act or the regulations, the burden is on the person charged to prove that at the time of the act constituting the alleged contravention he or she

95. Dans une instance introduite pour une violation d'une disposition de la présente loi ou de ses règlements, il incombe à la personne accusée de prouver qu'au moment de la prétendue violation :

Fardeau de
la preuve

- (a) held a licence or permit that entitled him or her to perform that act; or
- (b) was a person to whom the provision did not apply. S.N.W.T. 1994, c.16, s.3.

- a) soit elle était titulaire d'un permis ou d'une licence l'autorisant à accomplir cet acte;
- b) soit la disposition ne s'appliquait pas à elle. L.T.N.-O. 1994, ch. 16, art. 3.

Burden of
proof
respecting
possession

96. Where a person is found in possession of wildlife but does not have a licence or permit entitling that possession, the burden in any proceedings under this Act or the regulations is on that person to prove that he or she did not hunt or was not in possession of that wildlife in

96. Dans une instance introduite en vertu de la présente loi ou de ses règlements, lorsqu'une personne non titulaire d'un permis ou d'une licence lui en donnant le droit est trouvée en possession d'un animal de la faune, le fardeau lui incombe de prouver qu'elle n'a pas chassé cet animal ou qu'elle

Fardeau de
la preuve à
l'égard de
la possession

contravention of this Act or the regulations.

n'en avait pas la possession en violation de la présente loi ou de ses règlements.

Limitation
period

97. A prosecution for an offence under this Act or the regulations may not be commenced after one year from the time when the offence was committed or was alleged to have been committed.

97. Les poursuites visant une infraction à la présente loi ou à ses règlements se prescrivent par un an à compter de la perpétration ou de la perpétration présumée de l'infraction.

Prescription

REGULATIONS

RÈGLEMENTS

Regulations

98. The Commissioner, on the recommendation of the Minister, may make regulations for carrying the purposes and provisions of this Act into effect and, without limiting the generality of this power to make regulations, may make regulations

- (a) respecting the remuneration and control of vendors and wildlife guardians;
- (a.1) restricting the maximum number, sex, age, species or size of wildlife that may be hunted during a prescribed period either generally or in a prescribed area;
- (b) fixing open and closed seasons;
- (b.1) respecting the books, records, forms, returns and other documents to be kept and furnished to the Superintendent, and the returns to be made by licence or permit holders, and requiring that such books, records, forms, returns and other documents must be in the form approved by the Superintendent;
- (c) respecting the importation into, exportation from and transportation within the Territories of wildlife;
- (c.1) respecting the use and possession of weapons and equipment used in hunting and respecting falconry;
- (d) controlling or prohibiting the use of vehicles or other transport;
- (e) respecting uniforms, badges and other identifying materials for officers;
- (f) respecting the collection and disposition of wildlife, nests or eggs or parts of wildlife, nests or eggs;
- (g) respecting the marking by wildlife tags or otherwise, of lawfully killed wildlife and the certification of wildlife killed other than under a licence;
- (h) respecting the preservation, maintenance and restoration of habitats;
- (i) respecting the serving of the meat of game at a meal other than at a private residence;

98. Sur recommandation du ministre, le commissaire peut, par règlement, prendre les mesures nécessaires à l'application de la présente loi, et notamment :

- a) concernant la rémunération et la surveillance des agents de délivrance et des gardes-chasse;
- a.1) limitant le nombre maximum, le sexe, l'âge, l'espèce ou la taille de l'animal de la faune qui peut être chassé pendant une période prescrite, que ce soit pour l'ensemble des régions ou pour une région réglementée;
- b) fixant les saisons de chasse et leur fermeture;
- b.1) concernant les livres, registres, formulaires, rapports et autres documents qui doivent être tenus et fournis au surintendant, et les rapports qui doivent être faits par les titulaires de permis ou de licences, et exigeant que ces livres, registres, formulaires, rapports et autres documents soient établis en la forme agréée par le surintendant;
- c) concernant l'importation et le transport des animaux de la faune dans les territoires, ainsi que leur exportation à l'extérieur des territoires;
- c.1) concernant l'utilisation et la possession d'armes et d'équipement utilisés pour la chasse et concernant la fauconnerie;
- d) contrôlant ou interdisant l'utilisation de véhicules ou d'autres moyens de transport;
- e) concernant les uniformes, les insignes et les autres pièces d'identité des agents;
- f) concernant le ramassage de la totalité ou d'une partie d'un animal de la faune, d'un nid ou d'un oeuf, et la façon d'en disposer;
- g) concernant le marquage, notamment au moyen d'étiquettes, d'animaux de la

Règlements

- (j) respecting the licensing, control and regulation of the operations of fur dealers, tanners, taxidermists, outfitters, guides, fur farmers and game farmers and the permitting of tanning operations to be conducted in private residences;
 - (k) respecting
 - (i) permits to carry out scientific research on and collect specimens of wildlife, and
 - (ii) instruction courses on hunting, the registration of regions as registered trapping areas and the allocation to certain hunters of the exclusive rights to hunt and possess fur-bearing animals in registered trapping areas;
 - (l) respecting wildlife stamps, wildlife certificates and other component parts of licences or permits;
 - (m) respecting the imposition of royalties or fees on hides, pelts and other parts of wildlife;
 - (n) respecting the reimbursement by the Superintendent of persons who assist an officer;
 - (o) respecting the suspension or cancellation of licences or permits;
 - (p) respecting lost licences or permits, whether or not valid and subsisting;
 - (q) for legalizing possession of wildlife on July 1, 1979, which would otherwise be unlawful;
 - (r) respecting an appeal under subsections 4(2) and (3), 9(3) and (4) and 12(3) and the proceedings on appeal;
 - (s) authorizing the Superintendent to exercise or perform, in the manner and subject to the terms and conditions that are set out in the regulations, any of the powers, functions or duties of the Commissioner or the Minister under this Act, other than powers, functions and duties of the Commissioner in relation to the making of regulations under this section;
 - (s.1) respecting the recognition of Hunters' and Trappers' Associations;
 - (t) respecting the possession and capture of wildlife;
 - (u) prescribing a schedule of genera for the purposes of this Act and the regulations;
- faune tués légalement et l'attestation d'animaux tués autrement qu'en vertu d'un permis;
 - h) concernant la conservation, l'entretien, et la restauration des habitats;
 - i) concernant le fait de servir de la viande de gibier comme repas ailleurs que dans une résidence privée;
 - j) concernant la délivrance des permis, la surveillance et la réglementation des activités des commerçants en fourrures, des tanneurs, des taxidermistes, des pourvoyeurs, des guides, des éleveurs d'animaux à fourrure et des éleveurs de gibier, et le tannage dans les résidences privées;
 - k) concernant :
 - (i) les licences autorisant la recherche scientifique sur les animaux de la faune et la collection de spécimens d'animaux de la faune,
 - (ii) les cours de chasse, l'enregistrement des régions comme régions enregistrées de piégeage et l'attribution à certains chasseurs de droits exclusifs de chasse et de possession d'animaux à fourrure dans les régions enregistrées de piégeage.
 - l) concernant les estampilles fauniques, les certificats fauniques et autres parties intégrantes des permis ou des licences;
 - m) fixant les redevances ou les droits sur les peaux, les fourrures et autres parties des animaux de la faune.
 - n) concernant le remboursement fait par le surintendant à ceux qui assistent un agent;
 - o) concernant la suspension ou l'annulation des permis ou des licences;
 - p) concernant les permis ou les licences perdus, qu'ils soient ou non valides et en vigueur;
 - q) légalisant la possession d'animaux de la faune au 1^{er} juillet 1979, possession qui serait autrement illégale;
 - r) régissant les appels interjetés au titre des paragraphes 4(2) et (3), 9(3) et (4), et 12(3), ainsi que la procédure d'appel;
 - s) autorisant le surintendant à exercer, de la façon réglementaire et sous réserve des modalités réglementaires, les pouvoirs et fonctions que la présente

- (v) prescribing a schedule of licences and permits and those things that the holder of a licence or permit is entitled to do under each licence or permit;
 - (w) delegating to individual Hunters' and Trappers' Associations who consent to the delegation any of the powers, duties or functions forming the subject-matter of regulations made under any other paragraph in this section;
 - (x) prohibiting persons in prescribed regions or circumstances from hunting big game within a period of 12 hours following the termination of their flight in an aircraft;
 - (y) prohibiting the use of helicopters in prescribed regions or circumstances for transporting persons or things for hunting purposes or for transporting wildlife and providing for punishment for contravention of any such regulation of a fine not exceeding \$2,000 or
 - (z) prescribing any matter or thing that by this Act may or is to be prescribed;
 - (z.1) respecting the recognition and implementation of a land claims agreement with a group of aboriginal persons of the Territories, including
 - (i) the exemption of any area or region of the Territories or a class or group of persons to which the agreement applies from any provision of this Act or the regulations,
 - (ii) the adoption of the terms or provisions of by-laws made by an organization given by-law making power in respect of wildlife management under the agreement, for the purpose of permitting the enforcement of those terms or provisions under this Act,
 - (iii) the prescription of harvestable quotas, determined in accordance with the agreement, for wildlife species, and
 - (iv) the documentation by which a person may establish that he or she is a beneficiary under the agreement for the purposes of proving his or her entitlement to an exemption referred to in subparagraph (i);
 - (z.2) respecting commercial activities relating to wildlife, including
 - (i) the exemption of any area or region of the Territories or a class
- loi reconnaît au commissaire ou au ministre, à l'exception des pouvoirs et fonctions que reconnaît au commissaire le présent article en matière de prise de règlements;
- s.1) concernant la reconnaissance des association des chasseurs et trappeurs;
 - t) concernant la possession et la capture des animaux de la faune;
 - u) prescrivant une annexe contenant les différentes espèces aux fins de la présente loi et de ses règlements;
 - v) prescrivant une annexe des permis et des licences, ainsi que des choses qu'ils autorisent le titulaire à faire;
 - w) déléguant individuellement aux associations de chasseurs et trappeurs qui y consentent les pouvoirs et fonctions qui font l'objet des règlements pris en application des autres alinéas du présent article;
 - x) interdisant aux personnes, dans les régions ou circonstances prescrites, de chasser le gros gibier moins de 12 heures après la fin de leur vol par aéronef;
 - y) interdisant l'utilisation d'hélicoptères dans les régions ou circonstances prescrites pour transporter des personnes ou des choses en vue de la chasse ou pour transporter des animaux de la faune, et prévoyant pour une infraction à un règlement une amende maximale de 2 000 \$ et un emprisonnement maximal de 15 mois, ou l'une de ces peines;
 - z) prescrivant toute question ou chose qui, en vertu de la présente loi, peut ou doit l'être;
 - z.1) concernant la reconnaissance et l'application d'accords sur des revendications territoriales conclus avec les autochtones des territoires, y compris :
 - (i) l'exemption de l'application d'une disposition de la présente loi ou de ses règlements à une région des territoires ou à une catégorie ou un groupe de personnes à qui s'applique l'accord,
 - (ii) l'adoption des dispositions des règlements administratifs pris par un organisme à qui le pouvoir de prendre des règlements
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(z.2) respecting commercial activities relating to wildlife, including

(i) the exemption of any area or region of the Territories or a class or group of persons from any provision of this Act or the regulations that restricts or prohibits such commercial activities where, in the opinion of the Commissioner, the application of the provision in that area or region or to that class or group of persons is not required for reasons of conservation or public safety, and

(ii) the licensing, control and regulation of the commercial operations of a local organization or a person other than a person referred to in paragraph (j); and

(z.3) respecting any matter not otherwise expressly provided for in this section concerning public safety or the conservation of wildlife. R.S.N.W.T. 1988, c.69(Supp.), s.3; S.N.W.T. 1994, c.16, s.4.

administratifs en vertu de l'accord a été attribué afin de permettre la mise en vigueur des dispositions prévues à la présente loi,

(iii) la fixation des limites de prise des espèces de la faune en conformité avec l'accord,

(iv) la façon de déterminer si une personne est un bénéficiaire en vertu de l'accord et ce, afin de prouver son admissibilité à une exemption mentionnée au sous-alinéa (i);

z.2) concernant les activités commerciales liées à la faune, y compris :

(i) l'exemption de l'application à une région des territoires ou à une catégorie ou un groupe de personnes d'une disposition de la présente loi ou de ses règlements qui restreint ou interdit ces activités commerciales lorsque, de l'avis du commissaire, l'application de la disposition à cette région, catégorie ou groupe de personnes n'est pas exigée pour des motifs de sécurité publique ou de protection de la faune,

(ii) la délivrance de permis, le contrôle et la réglementation des activités commerciales d'un organisme ou d'une personne autre que la personne visée à l'alinéa j);

z.3) concernant toute question qui n'est pas expressément prévue au présent article pour la sécurité publique et la protection de la faune. L.R.T.N.-O. 1988, ch. 69 (Suppl.), art. 3. L.T.N.-O. 1994, ch. 16, art. 4; L.T.N.-O. 1995, ch. 11, art. 68.

PART II

WILDLIFE CONSERVATION UNDER THE INUVIALUIT FINAL AGREEMENT

INTERPRETATION

Definitions 99. In this Part,

"conservation" means the management of the wildlife populations and habitat to ensure the maintenance of the quality, including the long term

PARTIE II

PROTECTION DE LA FAUNE EN VERTU DE LA CONVENTION DÉFINITIVE DES INUVIALUIT

DÉFINITIONS

99. Les définitions qui suivent s'appliquent à la présente partie. Définitions

«animaux à fourrure» Les espèces de gibier chassées au moyen de pièges ou pouvant l'être, et

optimum productivity, of these resources and to ensure the efficient utilization of the available harvest; (*protection de la faune*)

"exclusive right to harvest" means the sole right to harvest the wildlife referred to in paragraphs 102(b) to (d), to be allocated the total allowable harvest and to permit non-Inuvialuit to harvest any such wildlife; (*droit exclusif de pris*)

"furbearers" means all species of game that are or may be harvested by trapping and, for greater certainty but without limiting the generality of the foregoing, includes

- (a) *Castor* including beaver,
- (b) *Alopex* including white fox and arctic fox,
- (c) *Lutra* including otter,
- (d) *Lynx* including lynx,
- (e) *Martes* including martens and fishers,
- (f) *Mephitis* including skunk,
- (g) *Mustela* including ermine, weasel, least weasel and mink,
- (h) *Ondatra* including muskrat,
- (i) *Tamiasciurus* including red squirrel,
- (j) *Vulpes* including red, cross, black and silver fox,
- (k) *Gulo* including wolverine,
- (l) *Canis* including wolves and coyotes,
- (m) *Marmota* including marmots,
- (n) *Lepus* including hares,
- (o) *Spermophilus* including ground squirrels.

but does not include members of the genus *Ursus* including black and grizzly bears; (*animaux à fourrure*)

"game" means wildlife other than fish, migratory non-game birds and migratory insectivorous birds; (*gibier*)

"Hunters and Trappers Committees" means the Hunters and Trappers Committees established under subsection 14(75) of the Agreement; (*comités de chasseurs et de trappeurs*)

"Inuvialuit community" means any of the communities of Aklavik, Holman, Inuvik, Paulatuk, Sachs Harbour or Tuktoyaktuk; (*collectivité inuvialuit*)

"Inuvialuit Game Council" means the Inuvialuit Game Council established under subsection 14(73) of the Inuvialuit Final Agreement; (*Conseil de*

notamment, les genres suivants :

- a) *Castor*, y compris le castor;
- b) *Alopex*, y compris le renard blanc et le renard arctique;
- c) *Lutra*, y compris la loutre;
- d) *Lynx*, y compris le lynx;
- e) *Martes*, y compris la martre et le pékan;
- f) *Mephitis*, y compris la mouffette rayée;
- g) *Mustela*, y compris l'hermine, la belette, la belette pygmée et le vison;
- h) *Ondatra*, y compris le rat musqué;
- i) *Tamiasciurus*, y compris l'écureuil roux;
- j) *Vulpes*, y compris le renard roux, le renard croisé, le renard noir et le renard argenté;
- k) *Gulo*, y compris le carcajou;
- l) *Canis*, y compris les loups et les coyotes;
- m) *Marmota*, y compris la marmotte;
- n) *Lepus*, y compris le lièvre;
- o) *Spermophilus*, y compris le spermophile.

Cette expression ne comprend pas le genre *Ursus*, y compris l'ours noir et le grizzli. (*furbearers*)

«collectivité inuvialuit» L'une ou l'autre des collectivités suivantes : Aklavik, Holman, Inuvik, Paulatuk, Sachs Harbour, Tuktoyaktuk. (*Inuvialuit community*)

«comités de chasseurs et de trappeurs» Les comités de chasseurs et de trappeurs constitués en vertu du paragraphe 14(75) de la Convention. (*Hunters and Trappers Committees*)

«Commission de gestion de la harde de caribous de la Porcupine» Commission de gestion de la harde de caribous de la Porcupine constituée en vertu de la Convention sur la gestion de la harde de caribous de la Porcupine conclue le 26 octobre 1985 entre les gouvernements du Canada, du Yukon et des Territoires du Nord-Ouest et le Conseil des Indiens du Yukon, le Conseil de gestion du gibier, la Nation dénée et l'Association des Métis des Territoires du Nord-Ouest. (*Porcupine Caribou Management Board*)

«Conseil de gestion du gibier» Le Conseil de gestion du gibier constitué en vertu du paragraphe 14(73) de la Convention. (*Inuvialuit Game Council*)

«Conseil consultatif de la gestion de la faune» Le Conseil consultatif de la gestion de la faune (T.

gestion du gibier)

"Inuvialuit lands" means lands provided and to be provided to the Inuvialuit by or under the Inuvialuit Final Agreement; (*terres inuvialuit*)

"migratory game birds", "migratory insectivorous birds" and "migratory non-game birds" have the meanings assigned to them by section 3 of the *Migratory Birds Convention Act*, R.S.C. 1970, c.M-12; (*oiseaux migrants considérés*)

"Porcupine Caribou Management Board" means the Porcupine Caribou Management Board established under the Porcupine Caribou Management Agreement entered into on October 26, 1985 between the Governments of Canada and the Yukon and Northwest Territories and the Council for Yukon Indians, the Inuvialuit Game Council, the Dene Nation and the Metis Association of the Northwest Territories; (*Commission de gestion de la harde de caribous de la Porcupine*)

"preferential right to harvest", with respect to the Inuvialuit, includes the right to harvest wildlife for subsistence usage and to be allocated, subject to conservation, quantities of wildlife sufficient to fulfil Inuvialuit requirements for subsistence usage before there is any allocation for other purposes in areas where the Inuvialuit have harvesting rights; (*droit préférentiel de prise*)

"subsistence usage" means

- (a) with respect to wildlife other than migratory game birds, migratory non-game birds and migratory insectivorous birds, subject to international conventions, the taking of wildlife by Inuvialuit for their personal use for food and clothing and includes the taking of wildlife for the purpose of trade, barter and, subject to section 12 of the Inuvialuit Final Agreement, sale among Inuvialuit and trade, barter and sale to any person of the non-edible by-products of wildlife that are incidental to the taking of wildlife by Inuvialuit for their personal use; and
- (b) with respect to migratory game birds, migratory non-game birds and migratory insectivorous birds, subject to the *Migratory Birds Convention Act* (Canada), the taking of such birds by Inuvialuit for their personal use for food and clothing, and includes the taking of such birds for the purpose of trade and barter among the Inuvialuit

N.-O.) constitué en vertu du paragraphe 14(45) de la Convention. (*Wildlife Management Advisory Council*)

«droit exclusif de prise» Le droit exclusif de chasser les animaux mentionnés à l'article 102, de se voir accorder la limite globale de prise et d'autoriser les non-Inuvialuit à chasser lesdits animaux. (*exclusive right to harvest*)

«droit préférentiel de prise» S'entend notamment, relativement aux Inuvialuit, du droit d'exploiter la faune à des fins de subsistance et de se voir accorder, sous réserve de la protection de la faune, une quantité suffisante de ressources fauniques pour subvenir à leurs besoins avant que ledit gibier ne soit affecté à une autre fin dans les régions où les Inuvialuit ont des droits d'exploitation de la faune. (*preferential right to harvest*)

«faune» La faune sauvage à l'exclusion du renne. (*wildlife*)

«gibier» La faune à l'exclusion des oiseaux migrants non considérés comme gibier, des oiseaux insectivores migrants et du poisson. (*game*)

«oiseaux migrants considérés comme gibier», «oiseaux insectivores migrants», «oiseaux migrants non considérés comme gibier» Les oiseaux définis à l'article 3 de la *Loi sur la Convention concernant les oiseaux migrants*, S.R.C. 1970, ch. M-12. (*migratory game birds*)

«protection de la faune» La gestion des peuplements fauniques et de leur habitat en vue d'assurer le maintien de la qualité de ces ressources, notamment de leur productivité optimale à long terme, ainsi que l'efficacité d'exploitation des ressources fauniques. (*conservation*)

«terres inuvialuit» Toutes les terres qui seront cédées aux Inuvialuit en application de la Convention définitive des Inuvialuit. (*Inuvialuit lands*)

«utilisation à des fins de subsistance» Désigne :

- a) en ce qui a trait à la faune, à l'exclusion des oiseaux migrants considérés comme gibier, des oiseaux migrants non considérés comme gibier ainsi que des oiseaux insectivores migrants et.

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food and clothing, and includes the taking of such birds for the purpose of trade and barter among the Inuvialuit and trade, barter and sale to any person of the non-edible parts of such birds to the extent permitted under regulations made under the *Migratory Birds Convention Act (Canada)*; (*utilisation à des fins de subsistance*)

"wildlife" means all fauna in a wild state other than reindeer; (*faune*)

"Wildlife Management Advisory Council" means the Wildlife Management Advisory Council (NWT) established under subsection 14(45) of the Agreement. (*Conseil consultatif de la gestion de la faune*) S.N.W.T. 1994,c.16,s.5; S.N.W.T. 1995,c.11,s.68.

sous réserve des conventions internationales, la prise de gibier par les Inuvialuit pour leur usage personnel, à des fins d'alimentation et d'habillement, notamment la prise de gibier à des fins d'échange et de troc et, sous réserve de l'article 12 de la Convention définitive des Inuvialuit, la vente entre Inuvialuit ainsi que l'échange, le troc et la vente avec d'autres personnes des sous-produits non comestibles du gibier qui sont accessoires à la prise du gibier par les Inuvialuit pour leur usage personnel;

b) en ce qui a trait aux oiseaux migrateurs considérés comme gibier, aux oiseaux insectivores migrateurs et aux oiseaux migrateurs non considérés comme gibier, sous réserve de la *Loi sur la Convention concernant les oiseaux migrateurs (Canada)*, la prise de tels oiseaux par les Inuvialuit pour leur usage personnel, à des fins d'alimentation et d'habillement, notamment la prise de tels oiseaux à des fins d'échange et de troc entre les Inuvialuit ainsi que d'échange et de troc avec toute autre personne des sous-produits non comestibles de tels oiseaux en conformité avec les règlements d'application de la *Loi sur la Convention concernant les oiseaux migrateurs (Canada)*. (*subsistence usage*) L.T.N.-O 1994, ch. 16, art. 5.

Purpose

100. The purpose of this part is to recognize, adopt and implement the provisions contained in the Inuvialuit Final Agreement that set out the fundamental rights, principles and procedures pertaining to the harvesting and management of wildlife in the Western Arctic Region. S.N.W.T. 1994,c.16,s.5.

100. La présente partie vise à reconnaître, adopter et appliquer les dispositions de la Convention définitive des Inuvialuit portant sur les principes fondamentaux, les droits et la procédure attachés aux droits de prise et à la gestion de la faune dans la région de l'Arctique de l'Ouest. L.T.N.-O. 1994, ch. 16, art. 5.

But

HARVESTING RIGHTS AND RELATED ACTIVITIES

DROITS DE PRISE ET ACTIVITÉS CONNEXES

Public safety and conservation

101. The exercise of the Inuvialuit rights to harvest wildlife in the Western Arctic Region is subject to laws of general application respecting public safety and conservation. S.N.W.T. 1994,c.16,s.5.

101. L'exercice des droits d'exploitation de la faune des Inuvialuit dans la région de l'Arctique de l'Ouest est assujéti aux lois d'application générale relatives à la sécurité publique et à la protection de la faune. L.T.N.-O. 1994, ch. 16, art. 5.

Sécurité du public et protection de la faune

Inuvialuit rights

102. (1) Subject to section 101 and to the qualifications set out in subsection 103(2) and (3)

102. (1) Sous réserve de l'article 101 et des dispositions des paragraphes 103(2) et (3), de

Droits des Inuvialuit

and section 104 of this Act and subsections 14(16) and (17) of the Inuvialuit Final Agreement, the Inuvialuit have

- (a) the preferential right to harvest all species of wildlife, except migratory non-game birds and migratory insectivorous birds, for subsistence usage throughout the Western Arctic Region;
- (b) the exclusive right to harvest furbearers, including black and grizzly bears, throughout the Western Arctic Region;
- (c) the exclusive right to harvest polar bear and muskox throughout the Western Arctic Region; and
- (d) the exclusive right to harvest game on Inuvialuit lands and, if agreed on, other areas.

Total allowable harvest

(2) Where the Inuvialuit have exclusive right to harvest under paragraphs (1)(b), (c) and (d), the Inuvialuit are entitled to harvest the total allowable harvest.

Laws of general application

(3) Where, in the exercise of their exclusive right to harvest under paragraphs (1)(b), (c) and (d), the Inuvialuit permit persons other than aboriginal persons to harvest, harvesting by those persons is subject to the laws of general application. S.N.W.T. 1994,c.16,s.5.

General Hunting Licence

103. (1) Subject to the Inuvialuit Final Agreement, the harvesting rights of a person who holds a General Hunting Licence and who resides in or near the Western Arctic Region are not to be prejudicially affected.

Hunting caribou

(2) Holders of a General Hunting Licence as of June 5, 1984 who reside in or near the Western Arctic Region, who are not eligible to be enrolled in the Inuvialuit Settlement and who can demonstrate that they have, on a regular basis, hunted caribou on Inuvialuit lands for their personal consumption, are entitled to access to those lands to harvest caribou for that purpose.

Interpretation

(3) The right of access referred to in subsection (2) is subject to the preferential right of the Inuvialuit to harvest for subsistence usage set out in paragraph 102(1)(a). S.N.W.T. 1994,c.16,s.5.

l'article 104 et des paragraphes 14(16) et (17) de la Convention définitive des Inuvialuit, les droits d'exploitation de la faune comprennent :

- a) le droit préférentiel de prendre toutes les espèces fauniques, à l'exception des oiseaux migrateurs non considérés comme gibier et des oiseaux insectivores migrateurs, à des fins de subsistance, dans toute la région de l'Arctique de l'Ouest;
- b) le droit exclusif de prendre des animaux à fourrure, y compris l'ours noir et le grizzli, dans toute la région de l'Arctique de l'Ouest;
- c) le droit exclusif de prendre l'ours polaire et le boeuf musqué dans toute la région de l'Arctique de l'Ouest;
- d) le droit exclusif de prendre le gibier sur les terres inuvialuit et, moyennant accord, sur d'autres territoires.

(2) Dans l'exercice d'un droit exclusif de prise en vertu des alinéas (1)b), c) et d), les Inuvialuit ont droit de prendre la limite globale permise.

Limite de prise

(3) Lorsque, dans l'exercice du droit exclusif de prise en vertu des alinéas (1)b), c) et d), les Inuvialuit permettent à des non-autochtones d'exploiter la faune, leur exploitation est assujettie aux lois d'application générale. L.T.N.-O. 1994, ch. 16, art. 5.

Lois d'application générale

103. (1) Sous réserve de la Convention définitive des Inuvialuit, les droits de prise des personnes qui résident à l'intérieur ou à proximité de la région de l'Arctique de l'Ouest, conférés par un permis général de chasse, ne sont pas touchés.

Permis général de chasse

(2) Les titulaires de permis généraux de chasse au 5 juin 1984, qui résident à l'intérieur ou à proximité de la région de l'Arctique de l'Ouest, qui ne sont pas admissibles au règlement des revendications foncières des Inuvialuit et qui peuvent prouver avoir régulièrement chassé le caribou sur des terres inuvialuit à des fins de consommation personnelle, ont droit d'avoir accès à ces terres pour chasser le caribou.

Chasse au caribou

(3) Il est précisé, pour plus de sûreté, que l'accès mentionné au paragraphe (2) est assujetti au droit préférentiel de prise à des fins de subsistance conféré aux Inuvialuit en conformité avec l'alinéa 102(1)a). L.T.N.-O. 1994, ch. 16, art. 5.

Interprétation

Agreements
with other
aboriginal
groups

104. (1) The Inuvialuit may from time to time enter into agreements with organizations representing neighbouring aboriginal groups to resolve mutual or overlapping interests or to share rights, privileges and benefits.

104. (1) Les Inuvialuit peuvent conclure périodiquement des ententes avec des organismes représentant des groupes autochtones voisins en vue de statuer sur des intérêts communs ou se chevauchant et de partager des droits, privilèges et avantages.

Ententes
avec d'autres
groupes
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Amendments

(2) The agreements referred to in subsection (1) may be amended from time to time with the consent of the signatories. S.N.W.T. 1994, c.16, s.5.

(2) Les ententes mentionnées au paragraphe (1) peuvent être modifiées périodiquement, avec le consentement des signataires. L.T.N.-O. 1994, ch. 16, art. 5.

Modifications

| | | | |
|--|---|--|---|
| No gain or profit | <p>105. For greater certainty, the Inuvialuit shall derive no gain or profit from the granting of permission to non-Inuvialuit to harvest furbearers except where it is part of a reciprocal arrangement with beneficiaries of adjacent land claims settlements. S.N.W.T. 1994,c.16,s.5.</p> | <p>105. Il est précisé, pour plus de certitude, que les Inuvialuit ne peuvent tirer aucun profit de l'octroi, à des non-Inuvialuit, de la permission de prendre des animaux à fourrure, sauf en cas d'entente réciproque conclue avec les bénéficiaires du règlement de revendications concernant des terres adjacentes. L.T.N.-O. 1994, ch. 16, art. 5.</p> | Interdiction de tirer profit |
| Adjacent land claims settlements | <p>106. Where, in the exercise of their right to harvest, the Inuvialuit permit beneficiaries of adjacent land claims settlements to harvest wildlife within the Western Arctic Region, those beneficiaries shall be treated, under sections 102, 107 to 109, 111 and 112, on the same basis as the Inuvialuit, subject only to providing reasonable notice to the Government of the Northwest Territories. S.N.W.T. 1994,c.16,s.5.</p> | <p>106. Lorsque, dans l'exercice de leurs droits de prise, les Inuvialuit permettent à des bénéficiaires visés par le règlement de revendications concernant des terres adjacentes d'exploiter la faune dans la région de l'Arctique de l'Ouest, ces bénéficiaires, pour l'application des articles 102, 107 à 109, 111 et 112, sont assimilés aux Inuvialuit, sous réserve uniquement de l'envoi d'un avis dans un délai raisonnable au gouvernement des Territoires du Nord-Ouest. L.T.N.-O. 1994, ch. 16, art. 5.</p> | Revendications concernant des terres adjacentes |
| Permits or licences | <p>107. (1) Subject to section 101, the Inuvialuit need not obtain permits, licences or other authorizations to harvest wildlife in the Western Arctic Region but may be required to show proof of status as Inuvialuit.</p> | <p>107. (1) Sous réserve de l'article 101, l'exercice du droit d'exploitation de la faune par les Inuvialuit dans la région de l'Arctique de l'Ouest n'est pas soumis à l'obligation d'obtenir un permis, une licence ou une autre autorisation. Cependant, ils peuvent être tenus de prouver leur état d'Inuvialuit.</p> | Licence ou permis |
| Issue of permits and licences at no cost | <p>(2) Where, for the purpose of conservation, the Inuvialuit are required to obtain permits, licences or other authorizations to harvest wildlife in the Western Arctic Region, the Inuvialuit shall receive such permits, licences or other authorizations at no cost. S.N.W.T. 1994,c.16,s.5.</p> | <p>(2) Si, pour assurer la protection de la faune, un permis, une licence ou une autre autorisation pour exploiter la faune dans la région de l'Arctique de l'Ouest est exigé de la part des Inuvialuit, ceux-ci reçoivent, sans frais, ce permis, cette licence ou cette autorisation. L.T.N.-O. 1994, ch. 16, art. 5.</p> | Idem |
| Non-edible products | <p>108. Subject to section 101 and to the <i>Migratory Birds Convention Act</i> (Canada) and any regulations made under that Act, the Inuvialuit may sell the non-edible products of game legally harvested in the Inuvialuit Settlement Region. S.N.W.T. 1994,c.16, s.5.</p> | <p>108. Sous réserve de l'article 101 et de la <i>Loi sur la Convention concernant les oiseaux migrateurs</i> (Canada) et de ses règlements d'application, les Inuvialuit peuvent vendre les dérivés non comestibles du gibier pris légalement dans la région désignée. L.T.N.-O. 1994, ch. 16, art. 5.</p> | Dérivés non comestibles |
| Sale, trade and barter of game | <p>109. Subject to section 101 and to the <i>Migratory Birds Convention Act</i> (Canada) and any regulations made under that Act, the Inuvialuit may sell, trade and barter game legally harvested in the Inuvialuit Settlement Region among themselves. S.N.W.T. 1994,c.16,s.5.</p> | <p>109. Sous réserve de l'article 101 et de la <i>Loi sur la Convention concernant les oiseaux migrateurs</i> (Canada) et de ses règlements d'application, les Inuvialuit peuvent, entre eux, vendre, échanger ou troquer du gibier pris légalement dans la région désignée. L.T.N.-O. 1994, ch. 16, art. 5.</p> | Vente, échange ou troc de gibier |
| Exchange of game products | <p>110. (1) Where aboriginal beneficiaries of adjacent land claims settlements acquire rights to game resources within the Western Arctic Region on the basis of traditional use and occupancy, those beneficiaries shall be permitted to exchange game products with the Inuvialuit on the same basis as</p> | <p>110. (1) Lorsque les bénéficiaires autochtones visés par le règlement de revendications concernant des terres adjacentes acquièrent des droits sur le gibier dans la région de l'Arctique de l'Ouest en raison de l'utilisation et de l'occupation traditionnelles, ces bénéficiaires peuvent échanger des produits de la</p> | Échange de produits de la chasse |

that provided for the Inuvialuit under the Inuvialuit Final Agreement.

chasse avec les Inuvialuit de la façon prévue pour les Inuvialuit par la Convention définitive des Inuvialuit.

Extension of right

(2) Where, in the final settlement of land claims of adjacent aboriginal groups, provision is made for the exchange of game products with the Inuvialuit, the right of the Inuvialuit to exchange amongst themselves shall be extended to those other aboriginal beneficiaries. S.N.W.T. 1994,c.16,s.5.

(2) Lorsque, dans le règlement définitif des revendications concernant des terres adjacentes, l'échange de produits de la chasse du gibier entre les groupes autochtones bénéficiaires et les Inuvialuit a été prévu, le droit des Inuvialuit de faire l'échange des produits de la chasse entre eux est étendu à ces autres bénéficiaires autochtones. L.T.N.-O. 1994, ch. 16, art. 5.

Droit étendu

Right to possess and transport game

111. Subject to section 101, the Inuvialuit have the right

- (a) to possess and transport legally harvested game within the Western Arctic Region; and
- (b) to transport legally harvested game between that part of the Inuvialuit Settlement Region within the Yukon Territory and the Western Arctic Region. S.N.W.T. 1994,c.16,s.5.

111. Sous réserve de l'article 101, les Inuvialuit ont le droit :

- a) de posséder et de transporter du gibier pris légalement à l'intérieur de la région de l'Arctique de l'Ouest;
- b) de transporter du gibier pris légalement entre la partie de la région désignée à l'intérieur du territoire du Yukon et la région de l'Arctique de l'Ouest. L.T.N.-O. 1994, ch. 16, art. 5.

Droit de posséder et de transporter du gibier

Present and traditional methods

112. Subject to section 101, the Inuvialuit, when exercising their harvesting rights in the Western Arctic Region, have the right to use present and traditional methods of harvesting and the right to possess and use all equipment reasonably needed to exercise that right. S.N.W.T. 1994,c.16,s.5.

112. Sous réserve de l'article 101, les Inuvialuit, dans l'exercice de leur droit de prise dans la région de l'Arctique de l'Ouest, ont le droit d'utiliser les méthodes actuelles et traditionnelles, et le droit de posséder et d'utiliser tout l'équipement raisonnablement nécessaire à l'exercice de ce droit. L.T.N.-O. 1994, ch. 16, art. 5.

Méthodes actuelles et traditionnelles

ALLOCATION OF HARVESTS

LIMITES DE PRISE

Harvestable quotas

113. Where the Commissioner, on the recommendation of the Minister, prescribes harvestable quotas for wildlife species, the prescribed quotas shall be based on the principles of conservation and determined in accordance with sections 114 and 115. S.N.W.T. 1994,c.16,s.5.

113. Lorsque le commissaire, sur la recommandation du ministre, prescrit par règlement les limites de prise des espèces de la faune, ces quotas doivent être fixés en conformité avec les articles 114 et 115 et fondés sur les principes de protection de la faune. L.T.N.-O. 1994, ch. 16, art. 5.

Limites de prise

Determination of total allowable harvest

114. (1) The Wildlife Management Advisory Council shall determine the total allowable harvest for game according to conservation criteria and such other factors as it considers appropriate and shall make its recommendations to the Minister.

114. (1) Le Conseil consultatif de la gestion de la faune fixe la limite globale de prise de gibier suivant les critères de protection de la faune et autres considérations qu'il juge appropriées. Ensuite, il formule ses recommandations au ministre.

Détermination des limites de prise

Reconsideration of determination

(2) The Minister shall, if the Minister differs in opinion with the recommendations of the Wildlife Management Advisory Council made in accordance with subsection (1), set out his or her reasons in a notice to the Council and ask the

(2) Le ministre qui est en désaccord avec les recommandations formulées par le Conseil consultatif de la gestion de la faune en conformité avec le paragraphe (1) transmet un avis motivé de son désaccord au Conseil et lui demande de

Idem

Council to consider the matter further.

réexaminer la question.

Conservation

(3) In determining the total allowable harvest, conservation shall be the only consideration. S.N.W.T. 1994,c.16,s.5.

Subsistence quotas

115. For the purposes of management and in order to protect the interest of the Inuvialuit who are harvesters, subsistence quotas for wildlife referred to in paragraph 102(1)(a) shall be jointly established by the Inuvialuit Game Council and the Minister as follows:

- (a) within the total allowable harvest for game, the Wildlife Management Advisory Council shall determine the subsistence quotas according to the criteria and factors it considers appropriate in addition to those referred to in section 116 and the Council shall make its recommendations to the Minister;
- (b) if the Minister differs in opinion with the recommendations of the Wildlife Management Advisory Council, the Minister shall set out his or her reasons in a notice to the Council and ask the Council to consider the matter further. S.N.W.T. 1994,c.16,s.5.

Determination of subsistence quotas

116. The Minister and the Wildlife Management Advisory Council or, where appropriate, the Porcupine Caribou Management Board, shall, in determining subsistence quotas, take into account

- (a) the food and clothing requirements of the Inuvialuit;
- (b) the usage patterns and levels of harvest of the Inuvialuit;
- (c) the requirements for particular wildlife species for subsistence usage;
- (d) where harvesting rights are extended to neighbouring aboriginal groups under section 104, the requirements for subsistence usage of those aboriginal groups;
- (e) the availability of the wildlife populations to meet subsistence usage requirements including the availability of species from time to time;
- (f) any projections for changes in wildlife populations; and
- (g) the national and international obligations of Canada with respect to migratory game birds. S.N.W.T. 1994,c.16,s.5.

(3) Aux fins de l'établissement des limites de prises, seul le critère de la protection de la faune doit être retenu. L.T.N.-O. 1994, ch. 16, art. 5.

Protection

115. Aux fins de la gestion et afin de protéger les intérêts des Inuvialuit qui exploitent la faune, les quotas de subsistance mentionnés à l'alinéa 102(1)a) doivent être établis conjointement par le Conseil de gestion du gibier et le ministre selon la façon suivante :

- a) à l'intérieur de la limite globale de prise de gibier permise, le Conseil consultatif de la gestion de la faune, avant de formuler ses recommandations au ministre, fixe les quotas de subsistance en conformité avec les critères et autres considérations qu'il juge appropriées, et avec ceux qui sont énoncés à l'article 116.
- b) le ministre qui est en désaccord avec les recommandations formulées par le Conseil consultatif de la gestion de la faune transmet un avis motivé de son désaccord au Conseil et lui demande de réexaminer la question. L.T.N.-O. 1994, ch. 16, art. 5.

Quotas de subsistance

116. Lorsqu'ils fixent les quotas de subsistance, le Conseil consultatif de la gestion de la faune ou, le cas échéant, la Commission de gestion de la harde de caribous de la Porcupine, et le ministre, se fondent sur les critères suivants :

- a) les besoins des Inuvialuit en nourriture et en vêtements;
- b) les modes d'utilisation et les quantités de prises des Inuvialuit;
- c) les quantités de prises de certaines espèces qui s'avèrent nécessaires à des fins de subsistance;
- d) les besoins de subsistance de ces groupes autochtones, lorsque les droits de prise sont étendus aux groupes autochtones voisins en vertu de l'article 104;
- e) la capacité des peuplements fauniques de répondre aux besoins de subsistance, compte tenu, notamment, des époques;
- f) les changements prévus dans les peuplements fauniques;
- g) les engagements nationaux et internationaux concernant l'avifaune migratrice. L.T.N.-O. 1994, ch. 16,

Détermination des quotas de subsistance

art. 5.

Allocation
of quotas

117. The allocation of the harvestable quotas referred to in section 113 by the Inuvialuit amongst themselves is the responsibility of the Inuvialuit Game Council and the appropriate Hunters and Trappers Committees. S.N.W.T. 1994,c.16,s.5.

117. Il incombe au Conseil de gestion du gibier ainsi qu'aux comités de chasseurs et de trappeurs appropriés de répartir entre les Inuvialuit les limites de prise mentionnées à l'article 113. L.T.N.-O. 1994, ch. 16, art. 5.

Répartition
des quotas

Distribution

118. The Wildlife Management Advisory Council shall serve as the mechanism to facilitate the distribution of the harvest limits or the harvest for subsistence purposes among all the aboriginal persons living in the vicinity of the Inuvialuit Settlement Region who traditionally depend on a common wildlife resource for food and clothing. S.N.W.T. 1994,c.16,s.5.

118. Le Conseil consultatif de la gestion de la faune doit voir à faciliter la répartition des limites de prises ou encore des prises à des fins de subsistance entre les autochtones vivant à proximité de la région désignée et qui dépendent depuis toujours des mêmes ressources fauniques pour se nourrir et se vêtir. L.T.N.-O. 1994, ch. 16, art. 5.

Répartition

COMMERCIAL ACTIVITIES RELATED TO WILDLIFE

ACTIVITÉS COMMERCIALES LIÉES À L'EXPLOITATION DE LA FAUNE

Guiding,
outfitting
or other

119. The Inuvialuit have first priority in the Western Arctic Region for guiding, outfitting and other commercial activities related to wildlife as authorized by regulations. S.N.W.T. 1994,c.16,s.5.

119. Dans la région de l'Arctique de l'Ouest, les Inuvialuit pourront, en priorité, offrir leurs services à titre de guides ou de pourvoyeurs ou se livrer à d'autres activités commerciales liées à l'exploitation de la faune, ainsi que l'autorisent les règlements. L.T.N.-O. 1994, ch. 16, art. 5.

Guides,
pouvoyeurs
ou autres

Preferential
treatment

120. (1) The preferential economic treatment received by the Inuvialuit pursuant to section 119 shall not prejudice or affect the right or ability of any other aboriginal group to obtain like or more favourable treatment under its land claim settlement or other agreement and, until such settlement or agreement, the priority given the Inuvialuit by section 119 shall not apply so as to favour the Inuvialuit over any other aboriginal group in the Western Arctic Region.

120. (1) Les privilèges économiques accordés aux Inuvialuit en application de l'article 119 ne doivent pas porter atteinte au droit ou à la faculté de tout autre groupe autochtone d'obtenir un traitement semblable ou plus favorable, aux termes du règlement de ses revendications territoriales ou d'un quelconque accord et jusqu'à ce que soit conclu un tel règlement ou accord, les privilèges accordés aux Inuvialuit en vertu de l'article 119 ne doivent pas être exercés de manière à accorder plus de droits aux Inuvialuit qu'à un autre groupe autochtone de la région de l'Arctique de l'Ouest.

Traitement
préférentiel

Reciprocal
preference

(2) If any other aboriginal group is granted preferential economic treatment affecting the Western Arctic Region, the Inuvialuit

(a) shall be granted preferential treatment in the region of that other aboriginal group to the same effect and extent; and

(b) shall be treated no less favourably in the Western Arctic Region than that other aboriginal group. S.N.W.T. 1994,c.16,s.5.

(2) Si un autre groupe autochtone obtient des privilèges économiques ayant une incidence sur la région de l'Arctique de l'Ouest, les Inuvialuit :

a) devront obtenir un traitement préférentiel de même nature dans la région appartenant à l'autre groupe;

b) pourront, dans la région de l'Arctique de l'Ouest se prévaloir de droits égaux à ceux de cet autre groupe. L.T.N.-O. 1994, ch. 16, art. 5.

Réciprocité

WILDLIFE MANAGEMENT ADVISORY
COUNCIL

CONSEIL CONSULTATIF DE LA GESTION DE
LA FAUNE

| | | | |
|-----------------------|---|---|----------------------|
| Jurisdiction | <p>121. The Wildlife Management Advisory Council has jurisdiction throughout the Western Arctic Region.</p> <p>S.N.W.T. 1994,c.16,s.5.</p> | <p>121. Le Conseil consultatif de la gestion de la faune a compétence sur l'ensemble de la région de l'Arctique de l'Ouest. L.T.N.-O. 1994, ch. 16, art. 5.</p> | Compétence |
| Duties of the Council | <p>122. (1) The Wildlife Management Advisory Council shall, on request, provide advice to the appropriate Ministers on all matters relating to wildlife policy and the management, regulation and administration of wildlife, habitat and harvesting for the Western Arctic Region and, without restricting the generality of the foregoing, the Council shall</p> <ul style="list-style-type: none"> (a) provide advice on issues pertaining to the Western Arctic Region to wildlife management boards, land use commissions, the Screening Committee and Review Board and any other appropriate bodies; (b) prepare a wildlife conservation and management plan for the Western Arctic Region for recommendation to the appropriate authorities as a means for achieving and maintaining the principles set out in subsections 14(1) to (5) of the Inuvialuit Final Agreement; (c) determine and recommend appropriate quotas for harvesting by the Inuvialuit in the Western Arctic Region; (d) determine and recommend harvestable quotas for migratory game species referred to in subsections 14(39) and (40) of the Inuvialuit Final Agreement where they are harvested by aboriginal persons other than the Inuvialuit, whether inside or outside the Western Arctic Region; (e) review and advise the Government of Canada on any proposed Canadian position for international purposes that affects wildlife in the Western Arctic Region; (f) review and advise the appropriate government on existing or proposed wildlife legislation; (g) advise on measures required to protect habitat critical for wildlife or harvesting in the Western Arctic Region; and (h) request from time to time, if appropriate, the participation of the local Hunters and Trappers Committees in the regulation of the | <p>122. (1) Le Conseil consultatif de la gestion de la faune présente, sur demande, des recommandations aux ministres compétents sur toutes les questions liées à la gestion, à la réglementation, à la politique et à la procédure administrative relatives à la faune, à son habitat et à son exploitation dans la région de l'Arctique de l'Ouest et, sans limiter le caractère général de ce qui précède :</p> <ul style="list-style-type: none"> a) il conseille les organismes de gestion faunique, les commissions d'utilisation des terres, le comité d'étude et le bureau d'examen ou autres organismes sur les questions visant la région de l'Arctique de l'Ouest; b) il élabore un plan de gestion et de protection de la faune pour la région de l'Arctique de l'Ouest, en vue de recommander aux autorités compétentes des moyens d'appliquer et de maintenir en vigueur les principes énoncés aux paragraphes 14(1) à (5) de la Convention définitive des Inuvialuit; c) il établit et propose des limites de prise applicables aux Inuvialuit dans la région de l'Arctique de l'Ouest; d) il établit et propose des limites de prise concernant les espèces fauniques migratrices mentionnées aux paragraphes 14(39) et (40) de la Convention définitive des Inuvialuit, lorsque celles-ci sont exploitées par des autochtones autres que les Inuvialuit, à l'intérieur ou à l'extérieur de la région de l'Arctique de l'Ouest; e) il révisé toute politique internationale que le Canada projette d'adopter à l'égard de la faune dans la région de l'Arctique de l'Ouest et conseille le gouvernement fédéral à ce sujet; f) il révisé les textes de loi ou les modifications législatives concernant la faune dans la région de l'Arctique de l'Ouest et conseille les gouvernements compétents à ce sujet; g) il formule des recommandations concernant les diverses mesures nécessaires pour préserver l'habitat dont dépendent la faune et l'exploitation faunique dans la région | Fonctions du Conseil |

subsistence harvest and the collection of subsistence harvest information.

de l'Arctique de l'Ouest;
h) il demande, selon les besoins, aux comités locaux de chasseurs et de trappeurs de participer au contrôle de la prise à des fins de subsistance et à la collecte de renseignements à ce sujet.

Power of Council

(2) The Wildlife Management Advisory Council may advise the Minister on any measures relating to licences and permits applying in the Western Arctic Region. S.N.W.T. 1994,c.16,s.5.

(2) Le Conseil consultatif de la gestion de la faune peut conseiller le ministre sur les mesures à prendre à l'égard des permis et licences applicables à la région de l'Arctique de l'Ouest. L.T.N.-O. 1994, ch. 16, art. 5.

Pouvoirs du Conseil

INUVIALUIT GAME COUNCIL

CONSEIL DE GESTION DU GIBIER

Role of Council

123. (1) In matters related to wildlife, the Inuvialuit shall be represented by the Inuvialuit Game Council.

123. (1) Le Conseil de gestion du gibier défend les intérêts des Inuvialuit en matière de gestion faunique.

Rôle du Conseil

Powers and duties of Council

(2) Without limiting subsection (1) and in addition to any of its other duties and powers, the Inuvialuit Game Council shall

(2) Sans limiter la portée du paragraphe (1), et en sus de ses autres pouvoirs et fonctions, le Conseil de gestion du gibier doit :

Pouvoirs et fonctions du Conseil

- (a) appoint Inuvialuit members for all joint government and Inuvialuit bodies having an interest in wildlife;
- (b) advise the appropriate governments through the Wildlife Management Advisory Councils (NWT and North Slope) or otherwise as appropriate, on policy, legislation, regulation and administration respecting wildlife, conservation, research, management and enforcement;
- (c) assign community hunting and trapping areas within the Inuvialuit Settlement Region for the purposes of wildlife harvesting by the Inuvialuit where appropriate;
- (d) review and advise, through the Wildlife Management Advisory Council or otherwise as appropriate, the appropriate governments on existing or proposed wildlife legislation;
- (e) review and advise the Government of Canada on any proposed Canadian position for international purposes that affects wildlife in the Inuvialuit Settlement Region;
- (f) where appropriate, allocate harvestable quotas referred to in section 113 among the Inuvialuit communities;
- (g) appoint members whenever possible or appropriate for any Canadian delegation that deals with international

- a) désigner les Inuvialuit qui feront partie des organismes mixtes du gouvernement et des Inuvialuit qui s'intéressent à la faune;
- b) conseiller les gouvernements compétents, par l'intermédiaire des Conseils consultatifs de la gestion de la faune des Territoires du Nord-Ouest et du versant nord du Yukon ou par tout autre moyen raisonnable, relativement aux lois, aux règlements, à la politique et aux procédés administratifs liés à la recherche et à la gestion faunique, ainsi qu'à l'application des règles en vigueur et à la protection de la faune;
- c) établir des zones collectives de chasse et de piégeage à l'intérieur de la région désignée afin que les Inuvialuit puissent exploiter les ressources fauniques dans des secteurs donnés;
- d) réviser les textes de loi ou les modifications législatives concernant la faune et conseiller les gouvernements compétents par l'intermédiaire du Conseil consultatif de la gestion de la faune ou par tout autre moyen raisonnable;
- e) réviser toute politique internationale que le Canada projette d'adopter à l'égard de la faune dans la région désignée et conseiller le gouvernement fédéral à ce sujet;

matters affecting wildlife harvesting by the Inuvialuit;

- (h) appoint members for any committee or group whose purpose is to investigate any aspect of wildlife usage in the Inuvialuit Settlement Region; and
- (i) on request, assist the Wildlife Management Advisory Councils (NWT and North Slope) in carrying out their functions. S.N.W.T. 1994, c.16, s.5.

f) répartir au besoin les limites de prise mentionnées à l'article 113 entre les diverses collectivités inuvialuit;

- g) désigner, dans les cas qui le permettent ou l'exigent, des représentants qui feront partie de diverses délégations canadiennes chargées d'étudier des questions internationales touchant l'exploitation de la faune par les Inuvialuit;
- h) désigner des représentants qui feront partie de groupes ou comités dont l'objet est d'examiner la question de l'exploitation faunique dans la région désignée;
- i) aider, sur demande, les Conseils consultatifs de la gestion de la faune des Territoires du Nord-Ouest et du versant nord du Yukon dans l'exercice de leurs fonctions. L.T.N.-O. 1994, ch. 16, art. 5.

Minister
to consult

124. The Minister shall consult with the Inuvialuit Game Council in regard to any special protective measures contained in legislation to be applied to lands determined to be important for wildlife, research or harvesting purposes. S.N.W.T. 1994, c.16, s.5.

124. Le ministre consulte le Conseil de gestion du gibier concernant les mesures spéciales de protection contenues dans la législation applicable aux terres jugées importantes du point de vue de la faune, de la recherche ou de l'exploitation. L.T.N.-O. 1994, ch. 16, art. 5.

Consultation

Hunters and Trappers Committees

Comités de chasseurs et de trappeurs

Hunters
and
Trappers
Committees

125. The Hunters and Trappers Committees shall, for the purposes of this Act,

- (a) advise the Inuvialuit Game Council on all local matters within the Committees' area of responsibility;
- (b) advise the Inuvialuit Game Council on the division of the Inuvialuit Settlement Region into community hunting and trapping areas;
- (c) advise the Inuvialuit Game Council on the requirements of subsistence users in regard to fish and the animals referred to in paragraphs 102(1)(a), (b) and (c);
- (d) sub-allocate the subsistence quota allocated for animals referred to in paragraph 102(1)(a) within its area of responsibility;
- (e) sub-allocate any harvestable quota, referred to in section 113, set forth for fish and the animals referred to in paragraphs 102(1)(a), (b) and (c);
- (f) make by-laws, subject to the laws of general application, governing the

125. Les comités de chasseurs et de trappeurs doivent, pour l'application de la présente loi :

- a) présenter des recommandations au Conseil de gestion du gibier relativement à toutes les questions locales qui relèvent de sa compétence;
- b) présenter des recommandations au Conseil de gestion du gibier en ce qui concerne la division de la région désignée en zones collectives de chasse et de piégeage;
- c) présenter ses recommandations au Conseil de gestion du gibier relativement aux besoins de ceux qui exploitent les ressources de poisson ou les animaux mentionnés aux alinéas 102(1)a), b) et c);
- d) répartir, dans le territoire qui relève de sa compétence, le quota de subsistance accordé à l'égard des espèces visées à l'alinéa 102(1)a);
- e) répartir les limites de prise mentionnées à l'article 113 à l'égard du poisson et

exercise of the Inuvialuit rights to harvest referred to in subsection 102(1);

- (g) encourage and promote Inuvialuit involvement in conservation, research, management, enforcement and utilization in relation to the wildlife resources in the Inuvialuit Settlement Region;
- (h) assist in providing harvest data on the request of the Wildlife Management Advisory Councils (NWT and North Slope) or the Fisheries Joint Management Committee; and
- (i) on request, assist the Wildlife Advisory Management Councils (NWT and North Slope) in carrying out their functions.

S.N.W.T. 1994,c.16,s.5.

des animaux mentionnés aux alinéas 102(1)a), b) et c);

- f) sous réserve des lois d'application générale, établir des règlements administratifs régissant l'exercice des droits de prise accordés aux Inuvialuit, et mentionnés au paragraphe 102(1);
- g) encourager et aider les Inuvialuit à s'occuper de la protection de la faune, de la gestion, du contrôle et de l'utilisation des ressources fauniques de la région visée par le règlement, et à prendre part aux recherches portant sur la faune de cette région;
- h) aider, sur demande, les Conseils consultatifs de la gestion de la faune des Territoires du Nord-Ouest et du versant nord du Yukon et le Comité mixte de gestion de la pêche en leur fournissant les renseignements dont ils ont besoin en matière d'exploitation faunique;
- i) aider, sur demande, les Conseils consultatifs de la gestion de la faune des Territoires du Nord-Ouest et du versant nord du Yukon dans l'exercice de leurs fonctions. L.T.N.-O. 1994, ch. 16, art. 5.

Additional
duties

126. The Hunters and Trappers Committees shall

- (a) sub-allocate community shares of subsistence and other quotas among individuals;
- (b) participate in the regulation of the subsistence harvest; and
- (c) collect harvest information as determined from time to time by the Fisheries Joint Management Committee and the Wildlife Management Advisory Councils (NWT). S.N.W.T. 1994,c.16, s.5.

126. Les comités de chasseurs et de trappeurs doivent :

- a) répartir entre les particuliers les quotas de subsistance attribués à la collectivité dont ils font partie;
- b) participer à la réglementation de l'exploitation de la faune à des fins de subsistance;
- c) recueillir des renseignements sur l'exploitation de la faune selon les modalités fixées par le Comité mixte de gestion de la pêche et les Conseils consultatifs de la gestion de la faune (T. N.-O.). L.T.N.-O. 1994, ch. 16, art. 5.

TABLE OF CONTENTS

TABLE DES MATIÈRES

INTERPRETATION AND APPLICATION

DÉFINITIONS ET CHAMP D'APPLICATION

Definitions
Application
Western Arctic Region
Inuvialuit Final Agreement
Paramountcy

1 (1) Définitions
1.1 (1) Champ d'application
(2) Région de l'Arctique de l'Ouest
1.2 (1) Convention définitive des Inuvialuit
(2) Primauté

PART I

PARTIE I

GENERAL

DISPOSITIONS GÉNÉRALES

Definitions
Rights under *Northwest Territories Act*

References to wildlife
Genus
Residency while student

1.3 (1) Définitions
(2) Droits garantis par la *Loi sur les Territoires du Nord-Ouest*
(3) Mention d'un animal de la faune
(4) Espèce
(5) Statut de résident pendant les études

LICENCES AND PERMITS

PERMIS ET LICENCES

Licences and permits
Establishing classes of licences
and permits
Terms and conditions
Prohibition
Issue, renewal, qualifications and fees

Form of licence or permit
Application for licence or permit
Further information
Non-residents
Onus on applicant
Security
Prohibition of duality
Issue of licence or permit
Appeal
Appeal by certain applicants
Refund of fee
Where no appeal
Name of holder on licence or permit
Signature of holder
Scope of licence
Transfer
Taking of transfer
Hunting by non-residents 8 (1)
Examination of licence or permit
Where licence or permit not available
for examination

2 (1) Permis et licences
Catégories de permis et de licences

(3) Conditions
(4) Interdiction
Délivrance, renouvellement, qualités requises
et droits
Forme du permis ou de la licence
3 (1) Demande de permis ou de licence
(2) Renseignements complémentaires
(3) Non-résidents
(4) Fardeau de la preuve
(5) Garantie
(6) Dualité interdite
4 (1) Délivrance du permis ou de la licence
(2) Appel
Appel par certains demandeurs
(4) Remboursement du droit
(5) Aucun appel
5 (1) Nom du titulaire
(2) Signature du titulaire
6 Portée du permis
7 (1) Transfert
(2) Acceptation du transfert
Chasse par les non-résidents
Vérification du permis ou de la licence
Absence de licence ou de permis

Suspension by Superintendent
 Restriction on suspension
 Appeal to justice
 Appeal to Supreme Court
 Application
 General cancellation, suspension
 or prohibition
 Surrender of licence or permit
 Power of justice on conviction
 Surrender and transmittal of licence
 or permit
 Appeal
 Statement of licence holder
 Transmittal of licence and statement
 Statement
 General hunting licence
 Deeming provision
 Recommendation not to renew licence
 Restriction as to hunting area
 Other organizations
 Reindeer Reserve caribou licence
 Entitlement to licence
 "Gwich'in Settlement Area" defined

 Age qualification
 General hunting licence exception
 Small game licence exception
 Condition of minor's licence
 Liability of parent or guardian
 Hunting without licence
 Liability of parent or guardian
 Licence to institutions
 Prohibition

WILDLIFE MANAGEMENT

Wildlife management units
 Regions
 Regulation of region
 Fur management
 Hunting for management or
 research purposes
 Liability for trespass
 Nuisance wildlife
 Surveys and census
 Dangerous wildlife
 Meat of game
 Agreements
 Evidence of age, sex and species
 Possession of parts
 Definition of "wildlife sanctuary"

- 9 (1) Suspension par le surintendant
 Restriction
 (3) Appel à un juge de paix
 Appel à la Cour suprême
 Champ d'application
 Annulation générale

 11 Remise du permis ou de la licence
 12 (1) Pouvoir du juge de paix
 Remise et transmission du permis ou de la
 (2) licence
 (3) Appel
 13 Déclaration du titulaire du permis
 14 (1) Transmission du permis et de la déclaration
 (2) Déclaration
 15 (1) Permis de chasse général
 (2) Présomption
 Recommandation de non-renouvellement
 Restriction quant à la zone de chasse
 (5) Autres organisations
 15.1 (1) Permis de chasse au caribou
 (2) Admissibilité au permis de chasse
 (3) Définition de «région visée par le règlement
 avec les Gwich'in»
 16 (1) Âge requis
 Exception
 Permis de chasser le petit gibier
 Condition du permis du mineur
 Responsabilité du parent ou du tuteur
 (6) Chasse sans permis
 (7) Responsabilité du père, de la mère ou du tuteur
 17 (1) Permis aux établissements
 (2) Interdiction

GESTION DE LA FAUNE

- 18 (1) Secteurs de gestion de la faune
 (2) Régions
 19 Réglementation des régions
 20 Gestion des animaux à fourrure
 21 Chasse aux fins de gestion ou de recherche

 22 Responsabilité pour intrusion
 23 Animal de la faune nuisible
 24 Levés et recensements
 25 Animaux dangereux
 26 Viande de gibier
 27 Ententes
 28 (1) Preuve de l'âge, du sexe et de l'espèce
 (2) Possession de parties de gibier
 29 (1) Définition de «refuge faunique»

| | |
|------------------------------|----------------------------------|
| Wildlife sanctuaries | (2) Réserves fauniques |
| Evidence | (3) Preuve |
| Definitions | 30 (1) Définitions |
| Hunting in wildlife preserve | Chasse dans une réserve faunique |
| Exception | (3) Exception |
| Further exception | (4) Autre exception |
| Officer | (5) Agent |

HUNTING AND
RELATED ACTIVITIES

CHASSE ET
ACTIVITÉS CONNEXES

| | |
|---|---|
| Hunting wildlife | 31 Chasse |
| Activity that is not hunting | 32 Activité non assimilée à la chasse |
| Prohibited substances and equipment | 33 (1) Substances et équipement interdits |
| Permitted use | (2) Usage permis |
| Hunting from vehicle | 34 (1) Chasse à partir d'un véhicule |
| Air to ground communication | Communication air-sol |
| Permitted activities | (3) Activités permises |
| Dogs | 35 (1) Chiens |
| Transportation by dogs | (2) Transport par les chiens |
| Right to kill dogs | (3) Droit d'abattre des chiens |
| Discharge of firearm | 36 Tir |
| Dangerous hunting | 37 Chasse dangereuse |
| Harassment of wildlife | 38 (1) Harcèlement d'animaux |
| Commissioner's right of action | Droit d'action |
| Bears | (3) Ours |
| Protection of property and self-defence | 39 (1) Protection des biens et légitime défense |
| Reporting wounding or killing | Rapport en cas de blessure ou mort |
| Prevention of starvation | 40 (1) Nécessité d'assurer sa subsistance ou celle d'autrui |
| Mismanagement | (2) Mauvaise gestion |
| Wounded wildlife | 41 Animal de la faune blessé |
| Prohibited equipment for big game hunting | 42 (1) Restrictions |
| Bait for big game | (2) Appât pour le gros gibier |
| Bow and arrow | (3) Arc et flèche |
| Hunting for gain | 43 Chasse lucrative |
| Non-resident hunters | 44 Chasseurs non résidents |
| Guide licence | 45 (1) Permis de guide |
| Prohibition respecting guides | Interdiction touchant les guides |
| Prohibition against hunting | Interdiction de chasser |
| Right of guide to kill wildlife | Droit du guide d'abattre l'animal |
| Ammunition for hunting bison and polar bear | Munitions pour la chasse du bison et de l'ours polaire |
| Hunting small game | 46 Chasse du petit gibier |
| Fur-bearing animals | 48 (1) Animaux à fourrure |
| Bait | (2) Appât |
| Interference with traps | 49 Enlèvement des pièges |
| Removal and setting of traps | 50 Enlèvement et installation de pièges |
| Possession of falcons | 51 Possession de faucons |

POSSESSION AND USE
OF WILDLIFE

Illegal possession
Deemed possession
Wildlife in camps or vehicles

Unauthorized acquisition
Permitted possession
Capture
Captive wildlife
Exception
Trafficking in wildlife
Inedible parts
Inedible parts of wildlife killed
for food
Wildlife killed for protection
of property or self-defence
General hunting licence
Receipt of gift
Illegal contracts
Serving meat of game
Prohibition of wastage
Prohibition against feeding
Exception for certain dogs
Transport within Territories
Exportation of wildlife
Importation of wildlife
Export permit
Discretion of Minister
Requirements for permit
What permit authorizes
Raw pelts and hides
Persons entitled to deal in
raw pelts and hides
Acquisition or purchase for sole use
Tanners
Lawfully killed wildlife
Licensed fur farmer
Taxidermists
Limitation on licence of tanner
or taxidermist
Outfitter licence
Licence of hunter
Game farm licence

ENFORCEMENT

POSSESSION ET UTILISATION
D'UN ANIMAL DE LA FAUNE

Possession illégale
52 (1) Présomption de possession
(2) Animal de la faune trouvé dans un camp ou un
véhicule
Acquisition non autorisée
(4) Possession permise
(5) Capture
53 (1) Animal de la faune en captivité
(2) Exception
(3) Trafic d'animaux de la faune
54 (1) Parties non comestibles
(2) Parties non comestibles d'un animal de la
faune tué pour de la nourriture
(3) Animal de la faune tué pour protéger des biens
ou en légitime défense
Permis de chasse général
(5) Cadeau
(6) Contrats illicites
55 Viande de gibier
56 Interdiction de gaspiller
57 (1) Interdiction de nourrir
Exception pour certains chiens
Transport dans les territoires
58 Exportation
59 (1) Importation
(2) Licence d'exportation
60 (1) Discretion du ministre
(2) Conditions requises
(3) Étendue de l'autorisation
(4) Fourrures et peaux brutes
61 (1) Personnes habilitées à faire le commerce des
peaux
(2) Acquisition ou achat pour usage personnel
Tanneurs
62 (1) Animal tué légalement
(2) Éleveur d'animaux à fourrure autorisé
(3) Taxidermiste
63 Restriction relative au permis de tanneur ou de
taxidermiste
64 Permis de pourvoirie
65 (1) Permis de chasseur
(2) Permis de ferme de gibier
66

EXÉCUTION

Arrestation

Arrest
 Search with warrant
 Use of force
 Liability of officer and assistant
 Operation of transport
 Seizure
 Procedure following seizure
 Federal offence
 Disposition of thing seized
 Hardship
 Perishable items
 Liability for loss or damage
 Inspection
 Seizure of records
 Examination for disease
 Compensation
 Destruction

67 Perquisition avec mandat
 68 (1) Utilisation de la force
 (2) Responsabilité de l'agent
 Arrêt immédiat
 (4) Saisie
 69 (1) Procédure à suivre
 Infraction fédérale
 (3) Confiscation de l'objet saisi
 70 (1) Préjudice
 (2) Objets périssables
 (3) Responsabilité pour perte ou dommage
 71 Inspection
 72 Saisie de registres
 73 Examen en cas de maladie
 74 (1) Indemnisation
 (2) Destruction
 (3)

ADMINISTRATION

Powers and duties of Minister
 Superintendent
 Powers and duties of Superintendent
 Wildlife officers
Ex officio wildlife officers
 Exemption
 Powers and duties of officers
 Oaths, affidavits
 Wildlife guardians
 Remuneration of persons assisting
 in management
 Oath or affirmation
 Issuing licences and permits
 Other vendors
 Remuneration
 Issuing general hunting licence

APPLICATION

Fonctions du ministre
 75 (1) Surintendant
 (2) Pouvoirs et fonctions du surintendant
 Agents de la faune
 76 (1) Agents d'office
 Exemption
 (3) Pouvoirs et fonctions des agents
 Serments et *affidavits*
 (5) Gardes-chasse
 77 Rémunération des personnes qui aident à la
 gestion
 78 Serment ou affirmation solennelle
 79 Délivrance des permis et des licences
 80 (1) Autres agents de délivrance
 (2) Rémunération
 (3) Permis de chasse général

OFFENCES AND PUNISHMENT

Impersonation of officer
 Exercise of powers of officer
 Obstructing officer
 Interference with lawful hunting
 Use of licence or permit of
 another person
 Inducement, aiding and abetting
 False information
 Vendor
 Signs
 Order to remove sign
 Removal by officer

INFRACTIONS ET PEINES

Usurpation du titre d'agent
 81 (1) Exercice des pouvoirs de l'agent
 Entrave à un agent
 82 Obstacle à la chasse
 83 Utilisation du permis ou de la licence d'une
 autre personne
 84 Incitation
 85 Faux renseignements
 86 (1) Agent de délivrance
 (2) Enseignes
 87 (1) Ordre d'enlever l'enseigne
 (2) Enlèvement par l'agent
 (3) Oblitérations

| | | |
|---------------------------------------|--------|---|
| Obliterating marks | 88 | Ordures |
| Refuse | 89 | Faucon pèlerin |
| Peregrine falcons and gyrfalcons | 90 | Peine générale |
| General punishment | 91 | Infractions distinctes |
| Separate offences | 92 (1) | Infractions continues |
| Continuing offence | (2) | Preuve de l'origine d'un animal de la faune |
| Proof of origin of wildlife | 93 | Certificat du surintendant |
| Certificate of Superintendent | 94 (1) | Nom de la personne accusée |
| Name of person charged | (2) | Certificat du laboratoire |
| Certificate from laboratory | | Certificat du surintendant |
| Certificate of Superintendent | | Fardeau de la preuve |
| Burden of proof | 95 | Fardeau de la preuve à l'égard de la possession |
| Burden of proof respecting possession | 96 | Prescription |
| Limitation period | 97 | |

REGULATIONS

| | |
|-------------|----|
| Regulations | 98 |
|-------------|----|

PART II

WILDLIFE CONSERVATION UNDER THE INUVIALUIT FINAL AGREEMENT

INTERPRETATION

| | |
|-------------|-----|
| Definitions | 99 |
| Purpose | 100 |

HARVESTING RIGHTS AND RELATED ACTIVITIES

| | | |
|--|---------|---|
| Public safety and conservation | 101 | Sécurité du public et protection de la faune |
| Inuvialuit rights | | Droits des Inuvialuit |
| Total allowable harvest | (2) | Limite de prise |
| Laws of general application | (3) | Lois d'application générale |
| General Hunting Licence | 103 (1) | Permis général de chasse |
| Hunting caribou | (2) | Chasse au caribou |
| Interpretation | (3) | Interprétation |
| Agreements with other aboriginal groups | 104 (1) | Ententes avec d'autres groupes autochtones |
| Amendments | (2) | Modifications |
| No gain or profit | 105 | Interdiction de tirer profit |
| Adjacent land claims settlements | 106 | Revendications concernant des terres adjacentes |
| Permits or licences | 107 (1) | Licence ou permis |
| Issue of permits and licences at no cost | (2) | Idem |
| Non-edible products | 108 | Dérivés non comestibles |
| Sale, trade and barter of game | 109 | Vente, échange ou troc de gibier |
| Exchange of game products | 110 (1) | Échange de produits de la chasse |
| Extension of right | (2) | Droit étendu |
| Right to possess and transport game | 111 | Droit de posséder et de transporter du gibier |
| | | Méthodes actuelles et traditionnelles |

RÈGLEMENTS

Règlements

PARTIE II

PROTECTION DE LA FAUNE EN VERTU DE LA CONVENTION DÉFINITIVE DES INUVIALUIT

DÉFINITIONS

| |
|-------------|
| Définitions |
| But |

DROITS DE PRISE ET ACTIVITÉS CONNEXES

Present and traditional methods 112

ALLOCATION OF HARVESTS

Harvestable quotas 113
Determination of total allowable harvest 114 (1)
Reconsideration of determination (2)
Conservation (3)
Subsistence quotas 115
Determination of subsistence quotas 116
Allocation of quotas 117
Distribution 118

COMMERCIAL ACTIVITIES RELATED TO WILDLIFE

Guiding, outfitting or other 119
Preferential treatment 120 (1)
Reciprocal preference (2)

WILDLIFE MANAGEMENT ADVISORY COUNCIL

Jurisdiction 121
Duties of the Council 122 (1)
Power of Council (2)

INUVIALUIT GAME COUNCIL

Role of Council 123 (1)
Powers and duties of Council (2)
Minister to consult 124

Hunters and Trappers Committees

Hunters and Trappers Committees 125
Additional duties 126

LIMITES DE PRISE

Limites de prise
Détermination des limites de prise
Idem
Protection
Quotas de subsistance
Détermination des quotas de subsistance
Répartition des quotas
Répartition

ACTIVITÉS COMMERCIALES LIÉES À L'EXPLOITATION DE LA FAUNE

Guides, pourvoyeurs ou autres
Traitement préférentiel
Réciprocité

CONSEIL CONSULTATIF DE LA GESTION DE LA FAUNE

Compétence
Fonctions du Conseil
Pouvoirs du Conseil

CONSEIL DE GESTION DU GIBIER

Rôle du Conseil
Pouvoirs et fonctions du Conseil
Consultation

Comités de chasseurs et de trappeurs

Comités de chasseurs et de trappeurs
Fonctions supplémentaires