



CHAPTER 97

An Act respecting Cree and Inuit Native persons

[Assented to 23 June 1978]

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

DIVISION I

INTERPRETATION

Definitions:

“beneficiary”,
“Cree beneficiary” or
“Inuk beneficiary”;

“Québec Native Appeal Board”;

“Enrollment Commission”;

“Cree community”;

“Inuit community”;

1. In this act, unless the context indicates otherwise,

(a) “beneficiary, “Cree beneficiary” or “Inuk beneficiary”, as the case may be, means a person contemplated in Division III;

(b) “Québec Native Appeal Board” means the appeal board established by section 21;

(c) “Enrollment Commission” means the Commission established, by the application of paragraph 3.3.3 of the Agreement, by the Regulation respecting eligibility for the benefits of the Agreement concerning James Bay and Northern Québec adopted by order in council number 2932 of 1976, under subsection 6 of section 2 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46);

(d) “Cree community” means a group consisting of all members of a Cree band, within the meaning of the Indian Act (R.S.C., 1970, chapter I-6), until the incorporation of such a band as provided for by Section 9 of the Agreement and, thereafter, all the members of that corporation, in the territory, as well as all other persons who are entitled to be enrolled as Cree beneficiaries under the terms of this act and who are recognized by the said band as belonging to such group;

(e) “Inuit community” means one of the Inuit communities, existing on 15 November 1974, at Fort George, Great Whale River, Inukjuaq (Port Harrison), Povungnituk, Akulivik, Ivujivik, Sug-

luk, Maricourt (Wakeham Bay), Koartak, Bellin (Payne Bay), Aupaluk, Tasiujaq, Fort-Chimo, Port-Nouveau-Québec and Killinek (Port Burwell), and any Inuit community formed thereafter and recognized by the Government by an order in council published in the *Gazette officielle du Québec*;

“Agreement”; (f) “Agreement” means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46);

“Secretary general”; (g) “Secretary General” means the Secretary General contemplated in section 15;

“territory”. (h) “territory” means the territory contemplated in section 2.

DIVISION II

TERRITORIAL APPLICATION

Territory. **2.** The territory to which this act applies is formed by the territories defined by the Québec boundaries extension acts, as evidenced by chapter 6 of the statutes of 1897/1898 and chapter 7 of the statutes of 1912 (1st session).

Lands. **3.** The territory is divided into lands of various categories, namely Categories I, I-A, I-B, II and III lands, including Special Category I lands and Special Category I-B lands. These lands are delimited in conformity with the Act respecting the land regime in the territories of James Bay and New Québec (1978, chapter 93) and shall be disposed in conformity with the said act.

Provisional delimitation. **4.** Notwithstanding section 3, the Government may, so long as the lands contemplated therein have not been delimited in conformity with the said section, delimit them provisionally by a special order made under this section, published in the *Gazette officielle du Québec*. The special order ceases to have effect, in whole or in part, on any date fixed by an order of the Government published in the *Gazette officielle du Québec*.

Interpretation. Any reference in an act, order in council or other document to the Act respecting the land regime in the territories of James Bay and New Québec (1978, chapter 93) accompanied with the mention of one of the categories of lands contemplated in section 3 is considered a reference to the said special order, so long as it is in force. The same rule applies to any mention of the said categories of lands, in any manner whatever, in any act, order in council or document.

Transfer of
manage-
ment, etc.

The Government, on the conditions it determines, may provisionally transfer to the Government of Canada the management and administration of the Category IA lands delimited under the first paragraph for the exclusive use and benefit of the Cree beneficiaries.

DIVISION III

BENEFICIARIES

Benefi-
ciaries.

5. The persons who, in conformity with this division, are entitled to be enrolled or who are enrolled as Cree beneficiaries or Inuit beneficiaries, have the right to invoke their rights, privileges and benefits, as Cree beneficiaries or Inuit beneficiaries, as recognized by law.

Cree
benefi-
ciary.

6. A person is entitled to be enrolled as a Cree beneficiary if, on 15 November 1974, he was

(a) under the terms of the Indian Act (R.S.C., 1970, chapter I-6), a member or a person entitled to be a member of one of the eight Cree Indian bands of Québec designated on the said date under the names of Waswanipi, Mistassini, Old Factory, Fort George, Eastmain, Rupert House, Nemaska and Great Whale River;

(b) a person of Cree ancestry ordinarily resident in the territory;

(c) a person of Cree or Indian ancestry recognized by one of the Cree communities as having been a member thereof;

(d) the adopted child of a person mentioned in paragraph *a*, *b* or *c*.

Idem.

7. On and after 16 November 1974, a person is also entitled to be enrolled as a Cree beneficiary, if he is

(a) a legitimate or illegitimate descendant in the male or female line of a person contemplated in section 6 or 8;

(b) the adopted child of a person contemplated in section 6 or in paragraph *a* of this section, provided that such child is a minor at the time of the adoption.

Discretion.

8. Every Cree community may, at its discretion, direct the Secretary General to enroll as a Cree beneficiary any person of Cree ancestry, provided that such person

(a) was born in the territory, or

(b) is ordinarily resident in the territory, and

(c) would have been entitled to be enrolled with his descendants under section 6 or 7 but, through inadvertence or otherwise, was omitted from the official lists of Cree beneficiaries prepared by the Enrollment Commission.

Inuk
benefi-
ciary.

9. A person is entitled to be enrolled as an Inuk beneficiary if, on 15 November 1974, he was

(a) a person of Inuit ancestry, born in Québec or ordinarily resident in Québec or, if not ordinarily resident in the territory, recognized by one of the Inuit communities as a member thereof;

(b) a person of Inuit ancestry, recognized by one of the Inuit communities as having been a member thereof at that date;

(c) the adopted child of a person contemplated in paragraph *a* or *b*.

Idem.

10. On and after 16 November 1974, a person is also entitled to be enrolled as an Inuk beneficiary, if he is

(a) a legitimate or illegitimate descendant in the male or female line of any person contemplated in section 9 or 11;

(b) the adopted child of any person contemplated in section 9 or in paragraph *a* of this section, provided that such child is a minor at the time of the adoption;

(c) the lawful spouse of any person contemplated in section 9, in paragraph *a* or *b* or in section 11.

Presump-
tion.

Any person of Inuit ancestry, born or ordinarily resident in that part of Killinek island situated in the Northwest Territories is deemed born or ordinarily resident in Québec for the purposes of this act.

Discretion.

11. Every Inuit community may, from time to time at its discretion, direct the Secretary General to enroll as an Inuk beneficiary any person of Inuit ancestry, provided that such person

(a) was born in Québec, or

(b) is ordinarily resident in the territory, and

(c) would have been entitled to be enrolled with his descendants under section 9 or 10 but, through inadvertence or otherwise, was omitted from the official lists of Inuit beneficiaries prepared by the Enrollment Commission.

Benefi-
ciary
absent
from
territory.

12. Any beneficiary contemplated in sections 6 to 11 who is absent from the territory for ten consecutive years and is domiciled outside the territory is not entitled to exercise his rights, or to receive benefits granted to him by any law contemplated in section 5, as a beneficiary.

Domicile. Upon such person's re-establishing his domicile in the territory, his entitlement to exercise his rights and to receive benefits as a beneficiary revives.

Cree member. **13.** A Cree community recognizes a person as one of its members by a resolution approved by a majority of the members of the band council.

Inuit member. An Inuit community does likewise by a resolution approved by a majority of the members of the board of directors of an Inuit landholding corporation established by the Act respecting the land regime in the territories of James Bay and New Québec (1978, chapter 93) or, until such corporation is established, the majority of the members of the existing Inuit community council.

Adoption. **14.** Adoption as considered in this act is that of a minor and is effected in conformity with the laws relating to adoption in force in Canada or in conformity with the Cree or Inuit customs, as the case may be.

DIVISION IV

REGISTRATION OF BENEFICIARIES

Secretary general. **15.** A secretary general, appointed to the Ministère des affaires sociales, is entrusted with the registration of beneficiaries.

Registers. **16.** The Secretary General must keep a Cree register and an Inuit register in which are respectively recorded the names of the persons entitled to be enrolled as Cree beneficiaries or as Inuit beneficiaries. In the case of the Crees, the register contains the community lists referred to in section 18.

Idem. The Cree and Inuit registers kept by the Secretary General indicate the date on which each name is entered thereon or deleted therefrom.

Changes to registers. **17.** The Secretary General may at any time add to or delete from the registers the name of any person who is entitled or not entitled to have his name included in the registers.

Cree beneficiary. **18.** (1) Every Cree beneficiary is also enrolled on one of the lists established for each community.

Single registration. (2) No Cree beneficiary may be enrolled in more than one Cree community at a time.

Enroll-
ment by
band. (3) Every Cree beneficiary who is a member of an Indian Cree band contemplated in paragraph *d* of section 1, is enrolled in the Cree community of which that band forms part.

Same com-
munity as
parents,
etc. (4) Every Cree beneficiary not contemplated in subsection 3 is enrolled in the Cree community of which he is recognized to form part, or failing this, in the Cree community in which one of his parents is enrolled. In the latter case, the choice of the Cree community is at the option of the person having the legal or *de facto* custody of that beneficiary, if a minor, or at his option if he has reached the age of eighteen.

Same com-
munity as
father, etc. (5) Every Cree beneficiary born of parents who are members of different Cree communities is enrolled in his father's Cree community. Upon his majority, that beneficiary has the right to be enrolled in either Cree community and notifies the Secretary General as to the Cree community in which he wishes to be enrolled, failing which, he remains a member of his father's Cree community.

Spouse
member of
another
commu-
nity. (6) Every Cree beneficiary marrying a member of another Cree community may retain membership in his community of origin.

Admission
to another
commu-
nity. (7) Every Cree beneficiary enrolled in a Cree community may be admitted as a member of another Cree community with the consent of the latter. The decision to that effect is made by a majority of the members of the community present at a meeting of the community called for that purpose; the decision is recorded in a council resolution and forwarded to the local registry officer contemplated in subsection 8.

Registry
officer. (8) A qualified Cree beneficiary is appointed local registry officer by the Government, for each Cree community.

Functions. That local registry officer keeps and maintains the Cree community list and immediately notifies the Secretary General of all changes in the list necessitating changes in the Cree register.

Inuit
benefi-
ciaries. **19.** (1) The Inuit register kept by the Secretary General indicates, in the case of Inuit beneficiaries, the Inuit community to which those beneficiaries are affiliated.

Affiliation. (2) Every Inuk beneficiary is affiliated

(a) to the Inuit community in which he is accepted for enrollment by the Enrollment Commission,

(b) to the Inuit community in which he is accepted for enrollment in conformity with section 11 or 17, or

(c) to the Inuit community to which one of his parents is affiliated, subject to subsections 3 and 4.

Single
affilia-
tion.

(3) An Inuk beneficiary shall not be affiliated to more than one Inuit community at any given time.

Same com-
munity as
father,
etc.

(4) Every Inuk beneficiary born of parents affiliated to different Inuit communities is deemed affiliated to his father's Inuit community. Upon his majority, that Inuk beneficiary has the right to be enrolled in either community and notifies the Secretary General of the Inuit community in which he wishes to be enrolled, failing which, he remains a member of his father's Inuit community.

Spouses
affiliated
to separate
commu-
nities.

(5) When two Inuit beneficiaries affiliated to separate Inuit communities marry, they retain affiliation to their respective Inuit communities of origin.

Affiliation
to another
commu-
nity.

(6) Every Inuk beneficiary affiliated to an Inuit community may be affiliated to another community with the consent of the latter. That consent is given in the form of a resolution approved by a majority of the members of the board of directors of the Inuit land holding corporation of that community present at a meeting called for that purpose. The said resolution is immediately forwarded to the local registry officer contemplated in subsection 8.

Permanent
residence.

(7) Notwithstanding the foregoing, every Inuk beneficiary who has established permanent residence in an Inuit community for at least three years may be affiliated of right to that community. This right extends to his consort and minor unmarried children.

Registry
officer.

(8) An Inuk beneficiary in each Inuit community is appointed local registry officer by the Government.

Functions.

That local registry officer keeps and maintains the Inuit community list and immediately notifies the Secretary general of all changes in the list necessitating changes in the Inuit register.

Single
registra-
tion.

20. No person may be enrolled on more than one list. Upon his majority, every person entitled to be enrolled on both the Cree and Inuit lists must indicate to the secretary general the list on which he wishes to be enrolled, and on his failing to do so, the Secretary General decides on which list that person shall be enrolled.

DIVISION V

APPEAL

Québec
Native
Appeal
Board.

21. A Québec Native Appeal Board is established to hear all appeals made in accordance with this division. This appeal board is composed of one judge of the Provincial Court designated by the Government for that purpose.

Alternate
names.

It may be designated under the Cree name of: TIPSINHEE-GASHOUT TEBASCUNGESHOO and under the Inuit name of: QUEBECMI NUNALITUQAIT QINUGIAQANIVININGA-NUT KATIMAYINGIT.

Delay.

22. Within six months after the notification by the Secretary General that the name of a person has been added to or deleted from the Cree or Inuit register or within six months after the notification by the Secretary General of his refusal to include the name of a person on that register, an appeal from his decision lies to the Québec Native Appeal Board.

Appeal.

23. An appeal provided for in this division shall not be made more than once.

Applicants.

24. The following persons may appeal to the Québec Native Appeal Board:

(a) every person whose name has been omitted, excluded or deleted from or included in the lists;

(b) every person whose name has been added to or deleted from the Cree or Inuit registers;

(c) every person whose application has been refused by the Secretary General;

(d) a council of one of the Cree bands or an Inuit community council, or their successors.

Successor.

The successor of the council of one of the Cree bands is, from its creation, the council of one of the corporations provided for in Section 9 of the Agreement and the successor of an Inuit community council is, from its creation, the council of an Inuit land corporation established by the Act respecting the land regime in the territory of James Bay and New Québec (1978, chapter 93).

Notice to
Minister.

25. The Minister of Indian Affairs and Northern Development shall be notified by the Secretary General of all appeals under this division and has the right to intervene on his own behalf, or, at the request of the appellant, on the appellant's behalf.

Office of
Secretary
general.

26. Until otherwise provided, the office of Secretary General established by this act shall continue to be filled by the person responsible for the "Registre de la population" at the Ministère des affaires sociales, in accordance with paragraph *j* of section 1 of the Regulation respecting eligibility for the benefits of the Agreement concerning James Bay and Northern Québec adopted by order in council number 2932 of 1976, by application of paragraph 3.3.3 of the Agreement under subsection 6 of section 2 of the

Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46).

Judge of
Provincial
Court.

27. The judge of the Provincial Court appointed under section 23 of the regulation mentioned in section 26 shall continue to exercise his functions under section 21.

Corre-
sponding
function.

28. Every other appointment made under the regulation mentioned in section 26 is valid for the corresponding function established by this act.

Presump-
tion.

29. Every person enrolled as a beneficiary under sections 9, 10 and 11 of the regulation contemplated in section 26 is deemed to be a Cree beneficiary within the meaning of this act, and every person so enrolled under section 12, 13 and 14 is deemed to be an Inuit beneficiary.

Appeal.

30. Any appeal lodged before the Québec Native Appeal Board under the regulation contemplated in section 26 must be continued before the Appeal Board provided for in section 21 and must be heard under Division v of this act.

Coming
into force
(28 June
1978, *G.O.*,
p. 3875).

31. This act will come into force on the date to be fixed by proclamation of the Government.