

1982, chapter 47

**AN ACT RESPECTING THE SUPPORT PROGRAM
FOR INUIT BENEFICIARIES OF THE JAMES BAY AND
NORTHERN QUÉBEC AGREEMENT FOR THEIR HUNTING,
FISHING AND TRAPPING ACTIVITIES**

Bill No. 83

Introduced by Mr Lucien Lessard, Minister of Recreation, Fish and Game

First reading: 8 June 1982

Second reading: 13 December 1982

Third reading: 13 December 1982

Assented to: 16 December 1982

Coming into force: 16 December 1982

Act amended:

Act respecting income security for Cree hunters and trappers who are beneficiaries under the James Bay and Northern Québec Agreement (R.S.Q., chapter S-3.2)



CHAPTER 47

An Act respecting the support program for Inuit
beneficiaries of the James Bay and
Northern Québec agreement for their hunting,
fishing and trapping activities

[Assented to 16 December 1982]

HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:

DIVISION I

INTERPRETATION

Interpreta- **1.** In this Act, unless the context indicates a different
tion: meaning,

“benefi- “beneficiary” means an Inuk who is a beneficiary under the Act
ciary”; respecting Cree, Inuit and Naskapi Native Persons (R.S.Q., chap-
ter A-33.1);

“hunting, “hunting, fishing and trapping activities” means any activity
fishing and which involves the exercise of the right to harvest that the Act
trapping respects hunting and fishing rights in the James Bay and New
activities”; Québec Territories (R.S.Q., chapter D-13.1) grants to beneficiaries;

“Kativik “Kativik Regional Government” means the public corporation
Regional constituted under the Act concerning Northern Villages and the
Govern- Kativik Regional Government (R.S.Q., chapter V-6.1);
ment”;

“Inuit “Inuit community” means each of the Inuit communities,
commu- existing on 15 November 1974, of Chisasibi, Kuujjuarapik,
nity”; Inukjuak, Povungnituk, Akulivik, Ivujivik, Salluit, Kangiqsujuaq,
Quaqtaq, Kangirsuk, Aupaluk, Tasiujaq, Kuujjuaq, Kangiq-
sualujjuaq, and any other Inuit community formed thereafter and
recognized by the Government in conformity with paragraph *e* of
section 1 of the Act respecting Cree, Inuit and Naskapi Native
Persons;

“Northern Village Corporation”.

“Northern Village Corporation” means the corporation erected for each Inuit community under the Act concerning Northern Villages and the Kativik Regional Government or, until such corporation is created, the community council of such Inuit community or, in its absence, that which, on the advice of the Kativik Regional Government, stands in its place.

DIVISION II

SUPPORT PROGRAM FOR INUIT

Objectives. **2.** A support program for beneficiaries, for their hunting, fishing and trapping activities, is established. The objectives of the program shall be to favour, encourage and perpetuate the hunting, fishing and trapping activities of the beneficiaries as a way of life and to guarantee to the Inuit communities a supply of the produce from such activities.

Entitlement. **3.** The beneficiaries are collectively entitled to the program established by this Act; any beneficiary may avail himself of the advantages of the program in the manner provided for by this Act and by taking into account the conditions hereof.

Opinion. Any beneficiary or any Northern Village Corporation party to a dispute concerning the application of the program may in writing request the opinion of the Council of the Kativik Regional Government. The latter shall transmit its written opinion no later than within three days following the meeting of the Council next held after a 60-day period from the receipt of the request for opinion.

Purposes. **4.** The amounts paid under the program shall not be used except for the following purposes:

(1) hunting, fishing and trapping activities, with the exception of the development or financing of the activities contemplated in Chapter VII of the Act respecting hunting and fishing rights in the James Bay and New Québec Territories;

(2) the purchase, manufacture, construction, maintenance and repair of any community equipment or material necessary for hunting, fishing and trapping activities;

(3) access to the regions where the beneficiaries may exercise hunting, fishing and trapping activities;

(4) the organization of search and rescue operations for beneficiaries exercising hunting, fishing and trapping activities;

(5) the marketing of products and by-products from hunting, fishing and trapping activities, with the exception of the development and financing of the activities contemplated in Chapter VII of

the Act respecting hunting and fishing rights in the James Bay and New Québec Territories;

(6) the domestic production of handicrafts from the products and by-products of hunting, fishing and trapping activities;

(7) the participation of beneficiaries in courses respecting the collection, processing and marketing of furs with a view to increasing the profitability of their fur trade;

(8) the collaboration of the beneficiaries in the preservation, improvement and restoration of wildlife habitats;

(9) the participation of the beneficiaries in wildlife studies and management programs established with a view to assist hunting, fishing and trapping activities;

(10) information and publicity relating to the proper operation of the program;

(11) the use of the services of Inuit hunters and fishermen who carry on their trade for community use;

(12) the participation of the beneficiaries in traditional activities carried on outdoors for the benefit of an Inuit community, to the extent of 5% of the amount made available to each Northern Village Corporation pursuant to paragraph 2 of section 8.

DIVISION III

FUNDING OF THE PROGRAM

Financing.

5. The Government alone shall assume the funding of the program and, for this purpose, shall pay to the Kativik Regional Government, for each financial period of the latter, an indexed grant which, for the year 1982, is equal to the sum of the following amounts:

(1) \$17 410 per Inuit community;

(2) \$17 410 per group of 100 beneficiaries or fraction thereof;

(3) \$19.33 per beneficiary;

(4) 15% of the total of the amounts provided for in subparagraphs 1, 2 and 3 to cover the local and regional costs of administration of the program.

Payment
of the
grant.

This grant shall be payable in two instalments: the first, after receipt of the application contemplated in section 7, on 15 January, and the second, which shall include the annual indexation contemplated in section 6, after receipt of the information and reports contemplated in sections 11 and 14, on 15 July.

Indexing.

6. The amounts contemplated in subparagraphs 1, 2 and 3 of section 5 shall be indexed annually according to the increase in the cost of living in Québec, using the increase in the pension index provided in the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9).

Separate index.

Notwithstanding the first paragraph, if a separate index is established for the territory contemplated in section 2 of the Act respecting Cree, Inuit and Naskapi Native Persons on a basis similar to that used in Québec on 11 November 1975, the Kativik Regional Government and the Government may, by agreement, choose such index for future years.

DIVISION IV

ADMINISTRATION OF THE PROGRAM

Applica-
tion.

7. Before 1 December each year, the Kativik Regional Government shall transmit an application for the grant to the Minister of Recreation, Fish and Game, containing the following information:

- (1) the total number of beneficiaries;
- (2) the number of beneficiaries affiliated to each Inuit community;
- (3) the method of calculation of the grant;
- (4) a general breakdown of the grant in terms of its proposed use
 - (a) according to the purposes contemplated in section 4;
 - (b) for the administration of the program contemplated in section 5.

Duties of
the Kativik
Regional
Govern-
ment.

8. The Kativik Regional Government must

- (1) reserve 15% of the amounts received pursuant to subparagraphs 1, 2, and 3 of section 5 and allocate them for purposes of a regional or local nature or in respect of which sums have not been made available to the Northern Village Corporations;
- (2) make 85% of the amounts received pursuant to subparagraphs 1, 2 and 3 of section 5 available to the Northern Village Corporations according to the following formula:
 - (a) for each Northern Village Corporation, a basic allocation equal to twice the amount of the community grant remitted to the Kativik Regional Government pursuant to subparagraph 1 of section 5;

(b) the remainder is divided among the Northern Village Corporations in proportion to the beneficiaries affiliated to the interested Inuit community.

Adminis-
tration.

9. The Kativik Regional Government shall prepare and, in conformity with the Act concerning Northern Villages and the Kativik Regional Government, issue the ordinances and the by-laws necessary for the administration of the program.

Adminis-
tration.

10. The Kativik Regional Government shall administer the grant in conformity with Title VI of Part II of the Act concerning Northern Villages and the Kativik Regional Government.

Up-dating.

11. The Kativik Regional Government shall bring up to date the general breakdown contemplated in paragraph 4 of section 7 following the division and distribution contemplated in the second paragraph of section 12 and shall inform the Minister of it before 1 June each year.

Agree-
ment.

12. A Northern Village Corporation must, within 90 days of the beginning of the financial period of the Kativik Regional Government, conclude an agreement under this Act with the latter respecting the payment and use of the amounts made available to it and concerning the purposes contemplated in section 4.

Common
fund.

Any amount which is not the object of an agreement within the time prescribed in the first paragraph shall accrue to a common fund which may be divided and distributed by the Kativik Regional Government among the other Northern Village Corporations, in accordance with subparagraph *b* of paragraph 2 of section 8, to be used for the purposes contemplated in section 4 that the corporations suggest.

By-laws.

13. A Northern Village Corporation may adopt, in conformity with the Act concerning Northern Villages and the Kativik Regional Government, the by-laws necessary for the management of an agreement concluded under section 12.

DIVISION V

ACCOUNTS AND REPORTS

Report
to the
Minister.

14. The Kativik Regional Government must, within 60 days of the end of its financial period, transmit to the Minister a report of the implementation of the program for that financial period.

Content.

The report must contain, apart from other information that the Minister may prescribe, the following:

(1) the amount paid by the Government to the Kativik Regional Government and the division of that amount pursuant to section 8;

(2) the use of the grant by the Kativik Regional Government and the Northern Village Corporations in terms of the purposes contemplated in section 4 and the general breakdowns contemplated in paragraph 4 of section 7;

(3) the relevant explanations relating to the differences between budgeted and expended sums for each of the purposes contemplated in section 4;

(4) the division of the use of the amounts accruing to the common fund contemplated in the second paragraph of section 12.

Tabling.

15. The Minister shall table the report of the Kativik Regional Government before the National Assembly of Québec within 30 days of its receipt. If it is received while the Assembly is not sitting, he shall table it within 30 days of the opening of the next session or, as the case may be, within 15 days of resumption.

Audit.

16. The books and accounts of the Kativik Regional Government or of a Northern Village Corporation in respect of the administration of the program shall be audited by the Minister any time that the Government so orders.

Amounts withheld.

The Government may withhold out of any subsequent grant, or reclaim, any amounts spent for purposes other than those provided for by this Act.

DIVISION VI

FINAL PROVISIONS

R.S.Q., c.
S-3.2, s. 1,
am.

17. Section 1 of the Act respecting income security for Cree hunters and trappers who are beneficiaries under the James Bay and Northern Québec Agreement (R.S.Q., chapter S-3.2) is amended by replacing paragraph *h* by the following paragraph:

“beneficiary”;

“(h) “beneficiary” means a Cree beneficiary under the Act respecting Cree, Inuit and Naskapi native persons (R.S.Q., chapter A-33.1);”.

Sums required.

18. The amounts required for the application of this Act shall be paid out of the sums granted annually for that purpose by the Legislature.

Minister.

19. The Minister of Recreation, Fish and Game is responsible for the administration of this Act.

Former
program
replaced.

20. The program established under this Act has effect from 1983 and replaces the temporary program carried out during the preceding years.

Exception.

21. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming
into force.

22. This Act comes into force on the day of its sanction.