



CHAPTER 25

An Act respecting the legislation provided for
in the Northeastern Québec Agreement
and amending other legislation

[Assented to 22 June 1979]

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

1978, c. 97,
title, re-
placed. **1.** The title of the Act respecting Cree and Inuit Native
persons (1978, chapter 97) is replaced by the following title:

“An Act respecting Cree, Inuit and Naskapi Native persons”

1978, c. 97,
s. 1, am. **2.** Section 1 of the said act is amended:

(a) by replacing paragraph *a* by the following paragraph:

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

(b) by inserting, after paragraph *c*, the following paragraph:

“(c-1) “Naskapi Enrollment Commission” means the Com-
mission established, by the application of subsection 3.3.3 of the
Northeastern Québec Agreement, by the Regulation respecting
eligibility for the benefits of the Northeastern Québec Agreement
adopted under subsection 6 of section 2 of the Act approving the
Northeastern Québec Agreement (1978, chapter 98), by order in
council number 9 dated 5 January 1979;”;

(c) by inserting, after paragraph *e*, the following paragraph:

“(e-1) “Naskapi community” means the group in the territory
consisting of all the members of the band, within the meaning of
the Indian Act (Revised Statutes of Canada, 1970, chapter I-6),
called the Naskapis de Schefferville, until its incorporation as
provided for in section 7 of the Northeastern Québec Agree-
ment and, thereafter, all the members of that corporation, as well

as all other persons who are entitled to be enrolled as Naskapi beneficiaries under the terms of this act and who are recognized by the said band as belonging to such group;”;

(d) by replacing paragraph *f* by the following paragraphs:

“Agreement”;

“(f) “Agreement” or “Agreement concerning James Bay and Northern Québec” means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46), as well as Complementary Agreement No. 1 tabled in the Assemblée nationale on 18 April 1978 as Sessional Papers, No. 114;

“Northeastern Québec Agreement”;

“(f-1) “Northeastern Québec Agreement” means the Agreement contemplated in section 1 of the Act approving the Northeastern Québec Agreement (1978, chapter 98);”.

1978, c. 97,
s. 3, re-
placed.

3. Section 3 of the said act is replaced by the following section:

Categories
of lands.

“3. The territory is divided into lands of various categories, namely, Categories I, I-N, IA, IA-N, IB, IB-N, II, II-N 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 James Bay and New Québec territories (1978, chapter 93) and shall be disposed in conformity with the said act.”

1978, c. 97,
s. 5, re-
placed.

4. Section 5 of the said act is replaced by the following section:

Rights and
privileges
of benefi-
ciaries.

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

1978, c. 97,
s. 11-1
to 11-3,
added.

5. The said act is amended by inserting, after section 11, the following sections:

“11-1 A person is entitled to be enrolled as a Naskapi beneficiary if, on 30 June 1977, he was

Naskapi
benefi-
ciary.

(a) under the terms of the Indian Act (Revised Statutes of Canada, 1970, chapter I-6), a member or a person entitled to be a member of the band designated on the said date under the name of Naskapis de Schefferville;

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

(c) a person of Naskapi or Indian ancestry recognized by the Naskapi community as having been a member thereof;

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

Naskapi
benefi-
ciary.

"11-2 On and after 1 July 1977, a person is also entitled to be enrolled as a Naskapi beneficiary, if he is

(a) a legitimate or illegitimate descendant in the male or female line of a person contemplated in section 11-1 or 11-3;

(b) the adopted child of a person contemplated in section 11-1 or in paragraph *a*, provided that such child is a minor at the time of the adoption.

Naskapi
benefi-
ciary.

"11-3 The Naskapi community may, from time to time at its discretion, direct the Secretary General to enroll as a Naskapi beneficiary any person of Naskapi 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 11-1 or 11-2 but, through inadvertence or otherwise, was omitted from the official list of the Naskapi beneficiaries prepared by the Naskapi Enrollment Commission."

1978, c. 97,
s. 12, re-
placed.

6. Section 12 of the said act is replaced by the following section:

Absence
from
territory.

"12. Any Cree, Inuk or Naskapi beneficiary contemplated in sections 6 to 11-3 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 Cree, Inuk or Naskapi 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 Cree, Inuk or Naskapi beneficiary revives."

1978, c. 97,
s. 13, am.

7. Section 13 of the said act is amended by replacing the first paragraph by the following paragraph:

Member-
ship.

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

1978, c. 97,
s. 14, re-
placed.

8. Section 14 of the said act is replaced by the following section:

Adoption. **"14.** Adoption for purposes of 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, Inuit or Naskapi customs, as the case may be."

1978, c. 97,
s. 16, re-
placed. **9.** Section 16 of the said act is replaced by the following section:

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

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

1978, c. 97,
s. 19-1,
added. **10.** The said act is amended by inserting, after section 19, the following section:

Local
registry
officer. **"19-1** A qualified Naskapi beneficiary is appointed local registry officer by the Government, for the Naskapi community.

Duties. That local registry officer keeps and maintains the Naskapi community list on which every Naskapi beneficiary is enrolled and immediately notifies the Secretary General of all changes in the list necessitating changes in the Naskapi register."

1978, c. 97,
s. 20, re-
placed. **11.** Section 20 of the said act is replaced by the following section:

Enrolment. **"20.** No person may be enrolled on more than one list.

Unique
enrolment. A person entitled to be enrolled on either a Cree beneficiaries list or an Inuit beneficiaries list as well as on the Naskapi beneficiaries list must indicate to the Secretary General, who shall address to him a request to that effect, 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.

Existing
enrol-
ment. If such a person is already enrolled on one of the lists established pursuant to sections 18 and 19 and fails to respond to the Secretary General's request, such person shall remain on the list on which he is already enrolled.

Enrolment
on major-
ity. Upon his majority, a person entitled to be enrolled on both a Cree and an Inuit list 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."

1978, c. 97,
s. 21, am.

12. Section 21 of the said act is amended by replacing the second paragraph by the following paragraph:

Designation.

"It may be designated in Cree under the name of: "TIPSIN-HEEGASHOUT TEBASCUNGESHOO", in Inuttituit under the name of: "QUEBECMI NUNALITUQAIT QINUGIAGANIVININGANUT KATIMAYINGIT" and in Naskapi under the name of: "COOBEC EEUYOUWHICH GOOGAATCHGEECHAMOON ABSTAGNOOCH".

1978, c. 97,
s. 22, replaced.

13. Section 22 of the said act is replaced by the following section:

Delay for appeal.

"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, Inuit or Naskapi 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."

1978, c. 97,
s. 24, am.

14. Section 24 of the said act is amended:

(a) by replacing subparagraph *b* of the first paragraph by the following subparagraph:

"(b) every person whose name has been added to or deleted from the Cree, Inuit or Naskapi register;"

(b) by replacing subparagraph *d* of the first paragraph by the following subparagraph:

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

(c) by replacing the second paragraph by the following paragraph:

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 concerning James Bay and Northern Québec, the successor of an Inuit community council is, from its creation, the council of an Inuit landholding corporation established by the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter 93), and the successor of the council of the Naskapi band is, from its creation, the council of the corporation of the Naskapi Village of Schefferville, established pursuant to the Cree Villages Act (1978, chapter 88)."

1978, c. 97,
s. 26, re-
placed.

15. Section 26 of the said act is replaced by the following section:

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

(1) paragraph *j* of section 1 of the Regulation respecting eligibility for the benefits of the Agreement concerning James Bay and Northern Québec adopted by application of subsection 3.3.3 of the Agreement concerning James Bay and Northern Québec under subsection 6 of section 2 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46) by order in council number 2932 of 1976, and

(2) paragraph *l* of section 1 of the Regulation respecting eligibility for the benefits of the Northeastern Québec Agreement adopted by application of subsection 3.3.3 of the Northeastern Québec Agreement under subsection 6 of section 2 of the Act approving the Northeastern Québec Agreement (1978, chapter 98) by order in council No. 9 of 1979."

1978, c. 97,
s. 27, re-
placed.

16. Section 27 of the said act is replaced by the following section:

Judge of
the Pro-
vincial
Court.

"27. The judge of the Provincial Court appointed under section 23 of the regulation referred to in paragraph 1 of section 26 shall continue to exercise his functions under section 21."

1978, c. 97,
s. 28, re-
placed.

17. Section 28 of the said act is replaced by the following section:

Corre-
sponding
function.

"28. Every other appointment made under the regulations referred to in section 26 is valid for the corresponding function established by this act."

1978, c. 97,
s. 29, re-
placed.

18. Section 29 of the said act is replaced by the following section:

Presump-
tion.

"29. Every person enrolled as a beneficiary under sections 9, 10 and 11 of the regulation contemplated in paragraph 1 of section 26 is deemed to be a Cree beneficiary within the meaning of this act, and every person so enrolled under sections 12, 13 and 14 is deemed to be an Inuit beneficiary within the meaning of this act. Every person enrolled as a beneficiary under sections 9, 10 and 11 of the regulation contemplated in paragraph 2 of section 26 is deemed to be a Naskapi beneficiary within the meaning of this act."

1978, c. 97,
s. 30, re-
placed.

19. Section 30 of the said act is replaced by the following section:

Appeal.

“30. Any appeal lodged before the Québec Native Appeal Board under the regulations contemplated in section 26 must be continued before the Appeal Board provided for in section 21 and must be heard under Division v.”

1978, c. 93,
s. 1, am.

20. Section 1 of the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter 93) is amended:

(a) by inserting, after paragraph *a*, the following paragraph:

“Naskapi
local
govern-
ment”;

“(a-1) “Naskapi local government” means, in Category IA-N lands, the band, within the meaning of the Indian Act (Revised Statutes of Canada, 1970, chapter I-6), called the Naskapis de Schefferville, until its constitution as a corporation as provided for in section 7 of the Northeastern Québec Agreement and, thereafter, this corporation; in Category IB-N lands, the Naskapi Landholding Corporation created pursuant to section 7-1;”;

(b) by inserting, after paragraph *c*, the following paragraph:

“Naskapi
band”;

“(c-1) “Naskapi band” means the band, within the meaning of the Indian Act (Revised Statutes of Canada, 1970, chapter I-6), called the Naskapis de Schefferville, until its constitution as a corporation as provided for in section 7 of the Northeastern Québec Agreement and, thereafter, this corporation;”;

(c) by replacing paragraph *d* by the following paragraph:

“benefi-
ciary”,
“Cree
benefi-
ciary”,
“Inuit
benefi-
ciary”,
“Naskapi
benefi-
ciary”;

“(d) “beneficiary”, “Cree beneficiary”, “Inuit beneficiary” and “Naskapi beneficiary” have the meaning ascribed to these expressions by the Act respecting Cree, Inuit and Naskapi Native persons (1978, chapter 97);”;

(d) by inserting, after paragraph *f*, the following paragraph:

“Naskapi
commu-
nity”;

“(f-1) “Naskapi community” means the collectivity composed of all of the Naskapis enrolled or entitled to be enrolled on the Naskapi register in accordance with the Act respecting Cree, Inuit and Naskapi Native persons (1978, chapter 97);”;

(e) by replacing paragraph *g* by the following paragraphs:

“Agree-
ment”;

“(g) “Agreement” means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46), and Complementary Agreements Nos 1, 3 and 4 tabled in the Assemblée nationale on 18 April and 19 October 1978, respectively, as Sessional Papers, Nos 114 and 387;

“North-
eastern
Québec
Agree-
ment”;

“(g-1) “Northeastern Québec Agreement” means the Agreement contemplated in section 1 of the Act approving the North-eastern Québec Agreement (1978, chapter 98);”;

(f) by inserting, after paragraph *i*, the following paragraph:

"Naskapi
Village
Corpora-
tion".

"(i-1) "Naskapi Village Corporation" means the corporation of the Naskapi village of Schefferville incorporated pursuant to the Cree Villages Act (1978, chapter 88);".

1978, c. 93,
ss. 7-1
to 7-3,
added.

21. The said act is amended by inserting, after section 7, the following sections:

Naskapi
land-
holding
corpora-
tion.
Designa-
tion.

"7-1 A Naskapi landholding corporation is incorporated under the name of the Corporation foncière naskapie de Schefferville.

This corporation may also be designated under the name, in Naskapi, of NASKAPI ISCHEEOW KATIPPIETOUGH and, in English, of Naskapi Landholding Corporation of Schefferville.

Members.

"7-2 The Naskapi beneficiaries are automatically and exclusively members of the Naskapi Landholding Corporation incorporated under section 7-1.

Object.

"7-3 The object of the Naskapi Landholding Corporation incorporated pursuant to section 7-1 is to receive and to hold, in full ownership, the Category IB-N lands. As such, it administers them and it may grant rights upon them in accordance with this act, but it shall not sell or cede them except to the Government. Furthermore, it exercises the other functions vested in it by other acts."

1978, c. 93,
s. 8, re-
placed.

22. Section 8 of the said act is replaced by the following section:

Head
Office.

"8. The landholding corporation has its head office at a place within Category I lands or, in the case of the Naskapi Landholding Corporation, at a place within Category I-N lands, fixed by its board of directors."

1978, c. 93,
s. 11, am.

23. Section 11 of the said act is amended by adding, at the end, the following paragraph:

Eligibility.

"The eligibility of a member to the board of directors of the Naskapi Landholding Corporation is, furthermore, subject to the relevant provisions of subsection 20.28 of the Northeastern Québec Agreement."

1978, c. 93,
s. 12, re-
placed.

24. Section 12 of the said act is replaced by the following section:

Interim
adminis-
tration.

"12. Until the election of the first board of directors, the council of the Cree village corporation shall administer the affairs of the landholding corporation incorporated pursuant to

section 2, the directors of the community council of each of the Inuit communities shall administer the affairs of the landholding corporation incorporated pursuant to section 5, and the council of the Naskapi Village corporation shall administer the affairs of the landholding corporation incorporated pursuant to section 7-1."

1978, c. 93,
s. 13, am. **25.** Section 13 of the said act is amended by replacing the first two paragraphs by the following paragraphs:

Approval. **"13.** The decisions of the board of directors of the landholding corporation relating to the subject matters contemplated in sections 25, 28, 29, 37, 38, 41, 43, 48, 53, 56, 58, 116, 120, 128, 129, 135, 140, 145, 191-9, 191-12, 191-13, 191-21, 191-22, 191-25, 191-27, 191-31, 191-35, 191-38 and 191-40 shall be submitted for approval to the members of the corporation.

Exception. Rights granted pursuant to section 25, 116 or 191-9 for a five year term or less shall not be subject to the approval of the members of the corporation."

1978, c. 93,
s. 15, re-
placed. **26.** Section 15 of the said act is replaced by the following section:

Winding-up or dissolution. **"15.** No winding-up or dissolution of a corporation may take place without the prior approval of the Minister. The assets of a corporation incorporated pursuant to section 2 which is the subject of a winding-up or dissolution devolve to the Cree Regional Authority. The assets of a corporation incorporated pursuant to section 5 which is the subject of a winding-up or dissolution devolve to Makivik Corporation. The assets of the corporation incorporated pursuant to section 7-1 which is the subject of a winding-up or dissolution devolve to the Naskapi Development Corporation established by the Act to establish the Naskapi Development Corporation (1979, chapter 26)."

1978, c. 93,
s. 16, am. **27.** Section 16 of the said act is amended by adding, at the end, the following paragraph:

Exception. "Those lands in the territory which are situated south of the 55th parallel also include Category IA-N lands, and this title does not apply to those lands."

1978, c. 93,
s. 62, re-
placed. **28.** Section 62 of the said act is replaced by the following section:

Spouse and family. **"62.** Persons married to Cree beneficiaries and the members of their families, to the first degree, are authorized to reside on Category I lands."

1978, c. 93,
s. 93, re-
placed.

29. Section 93 of the said act is replaced by the following section:

Public
lands.

“93. Category III lands, representing all the lands in the territory situated south of the 55th parallel not included in Category I, Category IA-N and Category II lands, remain public lands, with the exception of lands granted in full ownership.”

1978, c. 93,
s. 94, am.

30. Section 94 of the said act is amended by adding, after paragraph *h*, the following paragraphs:

“(i) lands, the ownership of which was ceded by letters patent or otherwise before 31 January 1978, within the perimeter of Category IA-N lands;

“(j) lands, within the perimeter of Category IA-N lands, which, as of 31 January 1978, were the object of mining claims, development licences, exploration permits, mining concessions, mining leases and other similar rights, as defined in the Mining Act (1965, 1st session, chapter 34); however, the areas of such lands are included in the calculation of the total area of Category I-N lands mentioned in section 191-2;

“(k) lands, within the perimeter of Category IA-N lands, on which landing strips, airport installations and seaplane bases were located as of 31 January 1978; however, the areas of such lands are included in the calculation of the total area of Category I-N lands mentioned in section 191-2.”

1978, c. 93,
s. 95-1,
added.

31. The said act is amended by inserting, after section 95, the following section:

Applica-
bility of
by-laws.

“95-1 The lands mentioned in paragraph *i* of section 94 and the persons holding titles thereon are subject to the by-laws of the Naskapi band as though such lands were Category IA-N lands. Such persons are entitled to all municipal services offered by the Naskapi band to residents of adjacent Category IA-N lands or surrounding Category IA-N lands, on the same conditions, the whole subject to the rights of such persons and the exercise of such rights.”

1978, c. 93,
s. 96-1,
added.

32. The said act is amended by inserting, after section 96, the following section:

Transfer
of lands.

“96-1 Upon the expiry of the rights which the Government has granted on the lands mentioned in paragraph *j* of section 94 or upon the expiry of the renewal of these rights, such lands shall be transferred in accordance with the terms and conditions set out in section 191-3. If part of such lands is taken for development under the Mining Act (1965, 1st session, chapter 34), the

Government shall replace them in accordance with the procedure established for the replacement of Category II-N lands provided for in section 191-55.”

1978, c. 93,
s. 97-1,
added.

33. The said act is amended by inserting, after section 97, the following section:

Transfer
of lands.

“97-1 When the use of lands mentioned in paragraph *k* of section 94 is no longer required, as determined by the Government, such lands shall be transferred in accordance with the terms and conditions provided for in section 191-3, the whole subject to the rights of use of the holders thereof and subject to the mineral interests granted before 31 January 1978.”

1978, c. 93,
s. 101, re-
placed.

34. Section 101 of the said act is replaced by the following section:

Regular-
ization of
the flow
of rivers.

“101. Subject to laws and regulations of general application, the Government, the Société d’énergie de la Baie James, Hydro-Québec, and all public bodies, agencies and corporations authorized by law may modify or regulate the flow of rivers in Category III lands, even if such rivers flow through, or are adjacent to, Category II, Category I or Category IA-N lands, and even if these modifications or regularizations have downstream effects, including within Category II, Category I or Category IA-N lands.”

1978, c. 93,
s. 102, am.

35. Section 102 of the said act is amended:

(a) by replacing the part preceding paragraph *a* by the following:

Rules
applicable.

“102. The modification or the regularization of rivers provided for in section 101 is, however, in Category I and Category IA-N lands, subject to the following rules:”;

(b) by replacing paragraph *b* by the following paragraph:

“(b) for the purposes of establishing or maintaining, in Category I or Category IA-N lands, the services listed in section 35, 46 or 191-19, as the case may be, which are of direct benefit as contemplated in section 41 or 191-25, as the case may be, the water level of rivers may be raised above the highest recorded level;”.

1978, c. 93,
s. 105, re-
placed.

36. Section 105 of the said act is replaced by the following section:

Fishing
rights
subject to
develop-
ment.

“105. The rights and guarantees granted to the Cree and Naskapi beneficiaries pursuant to the Act respecting hunting and

fishing rights in the James Bay and New Québec territories (1978, chapter 92) are subject to the rights of the Government, the Société d'énergie de la Baie James, Hydro-Québec, the Société de développement de la Baie James, their nominees and any other persons duly authorized to develop Category III lands in accordance with the applicable laws and regulations."

1978, c. 93,
s. 106, re-
placed.

37. Section 106 of the said act is replaced by the following section:

Soapstone.

"106. Sections 83 to 89 relating to the use of soapstone in Category II lands apply, *mutatis mutandis*, to the Cree beneficiaries in Category III lands; sections 191-62 to 191-68 relating to the use of soapstone in Category II-N lands apply, *mutatis mutandis*, to the Naskapi beneficiaries in Category III lands."

1978, c. 93,
s. 108, am.

38. Section 108 of the said act is amended by adding, at the end, the following paragraph:

Exception.

"Those lands in the territory which are situated north of the 55th parallel also include Category IB-N and Category II-N lands, and this title does not apply to those lands."

1978, c. 93,
s. 177, re-
placed.

39. Section 177 of the said act is replaced by the following section:

Public
lands.

"177. Category III lands, representing all the lands in the territory situated north of the 55th parallel not included in Category I, Category IB-N, Category II and Category II-N lands, remain public lands with the exception of lands granted in full ownership."

1978, c. 93,
s. 178, am.

40. Section 178 of the said act is amended by adding, after paragraph *g*, the following paragraphs:

"(h) lands the ownership of which was ceded by letters patent or otherwise before 31 January 1978, within the perimeter of Category IB-N lands;

"(i) lands, within the perimeter of Category IB-N lands, which, as of 31 January 1978, were the object of mining claims, development licences, exploration permits, mining concessions, mining leases and other similar rights, as defined in the Mining Act (1965, 1st session, chapter 34); however, the areas of such lands are included in the calculation of the total area of Category I-N lands mentioned in section 191-2;

"(j) lands, within the perimeter of Category IB-N lands, on which landing strips, airport installations and seaplane bases were located as of 31 January 1978; however, the areas of such

lands are included in the calculation of the total area of Category I-N lands mentioned in section 191-2;

“(k) lands, within the perimeter of Category II-N lands, the ownership of which was ceded by letters patent or otherwise before 31 January 1978;

“(l) lands, within the perimeter of Category II-N lands, which were the subject, as of 31 January 1978, of leases, occupation permits, mining claims, development licences, exploration permits, mining concessions and mining leases; however, the areas of such lands are included in the calculation of the total area of Category II-N lands mentioned in section 191-48;

“(m) lands, within the perimeter of Category II-N lands, on which roads, landing strips, airport installations and seaplane bases were located as of 31 January 1978; however, the areas of such lands are included in the calculation of the total area of Category II-N lands mentioned in section 191-48.”

1978, c. 93,
s. 179-1,
added.

41. The said act is amended by inserting, after section 179, the following section:

Transfer of
lands.

“**179-1** Upon the expiry of the rights which the Government has granted on the lands mentioned in paragraph *i* of section 178 or upon the expiry of the renewal of these rights, such lands shall be transferred in accordance with the terms and conditions set out in section 191-4.”

1978, c. 93,
s. 180-1,
added.

42. The said act is amended by inserting, after section 180, the following section:

Replace-
ment of
lands.

“**180-1** If part of the lands mentioned in paragraph *i* of section 178 is taken for development under the Mining Act, the Government shall replace them in accordance with the procedure established for the replacement of Category II-N lands provided for in section 191-55.”

1978, c. 93,
s. 181-1,
added.

43. The said act is amended by inserting, after section 181, the following section:

Transfer of
lands.

“**181-1** When the use of the lands mentioned in paragraph *j* of section 178 is no longer required, as determined by the Government, such lands shall be transferred in accordance with the terms and conditions provided for in section 191-4, the whole subject to the right of use of the holders thereof and subject to the mineral interests granted before 31 January 1978.”

1978, c. 93,
s. 182-1,
added.

44. The said act is amended by inserting, after section 182, the following section:

Classifi-
cation.

“182-1 Upon reversion of the rights which the Government has granted on the lands mentioned in paragraph *l* of section 178, such lands shall be classified as Category II-N lands.”

1978, c. 93,
ss. 183-1,
183-2,
added.

45. The said act is amended by inserting, after section 183, the following sections:

Classifi-
cation.

“183-1 When the use of the lands mentioned in paragraph *m* of section 178 is no longer required, as determined by the Government, such lands shall be classified as Category II-N lands.

Applica-
bility of
by-laws.

“183-2 The lands mentioned in paragraph *h* of section 178 and the persons holding titles thereon are subject to the by-laws of the Naskapi village corporation as though such lands were Category IB-N lands. Such persons are entitled to all municipal services offered by the Naskapi village corporation to residents of adjacent Category IB-N lands or surrounding lands, on the same conditions, the whole subject to the rights of such persons and the exercise of such rights.”

1978, c. 93,
s. 185,
replaced.

46. Section 185 of the said act is replaced by the following section:

Regulari-
zation of
the flow of
rivers.

“185. Subject to the laws and regulations of general application, the Government, Hydro-Québec, and all public bodies, agencies and corporations authorized by law may modify or regulate the flow of rivers in Category III lands, even if such rivers flow through, or are adjacent to, Category II or Category II-N lands, or Category I or Category IB-N lands, and even if such modifications or regularizations have downstream effects, including within Category II or Category II-N lands, or Category I or Category IB-N lands.”

1978, c. 93,
s. 186, am.

47. Section 186 of the said act is amended:

(a) by replacing the part preceding paragraph *a* by the following:

Rules.

“186. Nevertheless, the modification or regularization of rivers provided for in section 185 is, in Category I and Category IB-N lands, subject to the following rules:”;

(b) by replacing paragraph *b* by the following paragraph:

“(b) for the purposes of establishing or maintaining, in Category I or Category IB-N lands, the services listed in section 126, 138 or 191-19, as the case may be, which are of direct benefit as contemplated in section 133 or 191-25, as the case may be, the

water level of rivers may be raised above the highest recorded level;”.

1978, c. 93,
s. 189,
replaced.

48. Section 189 of the said act is replaced by the following section:

Fishing
rights
subject to
develop-
ment.

“189. The rights and guarantees granted to the Inuit and Naskapi beneficiaries pursuant to the Act respecting hunting and fishing rights in the James Bay and New Québec territories (1978, chapter 92) are subject to the rights which the Government, Hydro-Québec, their nominees and any other persons duly authorized have to develop Category III lands in accordance with the applicable laws and regulations.”

1978, c. 93,
s. 190,
replaced.

49. Section 190 of the said act is replaced by the following section:

Soapstone.

“190. Sections 167 to 173 relating to the use of soapstone in Category II lands apply *mutatis mutandis* to the Inuit beneficiaries in Category III lands; sections 191-62 to 191-68 relating to the use of soapstone in Category II-N lands apply *mutatis mutandis* to the Naskapi beneficiaries in Category III lands.”

1978, c. 93,
Title IVA,
ss. 191-1 to
191-71,
added.

50. The said act is amended by inserting, after section 191, the following title, heading and sections:

“TITLE IVA

“LAND REGIME APPLICABLE TO CERTAIN LANDS SITUATED IN THE SCHEFFERVILLE REGION

Applica-
bility.

“191-1 The lands in the territory, in addition to Category I, Category II and Category III lands, are also divided into Category I-N and Category II-N lands. This title applies only to Category I-N and Category II-N lands.

“CHAPTER I

“CATEGORY I-N LANDS

“DIVISION I

“GENERAL PROVISIONS

Total
area.

“191-2 The Naskapi beneficiaries are entitled to a total area of three hundred and twenty-six and three-tenths (326.3)

square kilometres of Category I-N lands. Such lands are subdivided into Category IA-N and Category IB-N lands.

Transfer to
Govt of
Canada.

"191-3 The Government shall, within the delays provided for in section 20 of the Northeastern Québec Agreement, by order in council and upon such conditions as it may determine in accordance with this act, transfer the administration, management and control of Category IA-N lands, determined pursuant to the said section, to the Government of Canada, for the exclusive use and benefit of the Naskapi local government.

Transfer to
landholding
corporation.

"191-4 The Government shall, as soon as possible, on the expiry of the delay provided for in the second paragraph, by letters patent and upon such conditions as it may determine in accordance with this act, transfer the ownership of Category IB-N lands to the Naskapi Landholding Corporation incorporated pursuant to section 7-1.

Category
IB-N
lands.

Category IB-N lands have the same area as Category I-N lands mentioned in section 191-2, after subtracting, within two months following the determination of Category IA-N lands, from their northern part, the area of Category IA-N lands determined in accordance with section 191-3.

Temporary
deeds.

"191-5 The Government shall transfer the lands mentioned in sections 191-3 and 191-4 by temporary deeds, based upon a preliminary territorial description. These temporary deeds remain in force until the issuance of the deeds contemplated in section 191-6.

Final
deed.

"191-6 As soon as the delimitation of the lands and the documents relating thereto have been completed, the transfers of the lands contemplated in sections 191-3 and 191-4 shall be made by final deed, based upon technical territorial descriptions.

Territorial
description.

"191-7 The Government shall amend the territorial descriptions provided for in sections 191-5 and 191-6 following the application of the land regime provided for in this act.

Category
I-N
lands.

"191-8 Category I-N lands include, without being limited thereto:

(a) lands within the perimeter of Category I-N lands on which the Government had granted rights, before 31 January 1978, in the form of leases, occupation permits or any other authorizations;

(b) lands on which had been built, as of 31 January 1978, roads within the perimeter of Category I-N lands.

Bare ownership. “**191-9** The Crown in right of Québec retains the bare ownership of Category IA-N lands. Category IB-N lands shall not be sold or ceded except to the Crown in right of Québec and this obligation constitutes a prohibition to sell or to cede other than to the Crown in right of Québec.

Servitudes. The Naskapi local government may grant, to any person, servitudes, usufructuary rights and other rights of use and occupation and leases on Category I-N lands.

Rights to non-beneficiaries. However, rights granted to non-beneficiaries on Category IA-N lands, for a term of more than five years, including their renewal, are subject to all provincial laws and regulations, in the same manner as if such lands were Category IB-N lands, on the date such rights are granted.

Residence. Naskapi beneficiaries have, at all times, the right to reside on Category I-N lands of the Naskapi community in accordance with the by-laws of the Naskapi band or of the Naskapi Village Corporation, as the case may be.

Unseizability. “**191-10** Category IB-N lands are unseizable.

Purposes. “**191-11** Category I-N lands are transferred for Naskapi community purposes and may be used for commercial, industrial, residential or other purposes.

Water-courses and lakes. “**191-12** Notwithstanding section 191-9, no watercourse or lake in Category IB-N lands and no right pertaining thereto may be granted by the Naskapi Landholding Corporation to a non-member, without the consent of the Government.

Minimum area. “**191-13** The total area of Category I-N lands shall never be less than three hundred and twenty-six and three-tenths (326.3) square kilometres without the consent of the Naskapi local government, except upon expropriation by Canada or except where there is no replacement of lands following an expropriation made in accordance with section 191-17.

Maximum area. This total area shall never be greater than three hundred and twenty-six and three-tenths (326.3) square kilometres without the consent of the Government.

“DIVISION II

“LAND ADMINISTRATION

“§ 1.—Services

Occupation of lands by non-members. “**191-14** The Naskapi local government shall first consult with the Government in the case where it allows any person

other than a signatory of the Northeastern Québec Agreement, the Naskapi beneficiaries and bodies composed in majority of Naskapi beneficiaries to occupy Category I-N lands for projects of regional or provincial interest.

Communi-
ty
services.

"191-15 The Naskapi local government shall, when required, allocate lots of land for community services such as roads, schools, hospitals, police stations, telecommunications and other community services of the same nature provided by the Government, its agents or mandataries or by the Naskapi Village Corporation. The Naskapi local government shall make such allocation, at its option, by way of leases, servitudes, or similar contracts and for the sum of \$1.00.

Restric-
tion.

"191-16 The Government and, with its approval and upon such conditions as it may determine, its agents or mandataries, all public bodies, corporations and companies authorized to do so by present or future legislation, cannot establish by expropriation any servitudes other than the servitudes required for the organization of the services listed in section 191-19.

Expropria-
tion.

"191-17 The Government and, with its approval and upon such conditions as it may determine, the entities mentioned in section 191-16 have the right to expropriate Category I-N lands in full ownership when they cannot organize the services listed in section 191-19 without a full taking of the Category I-N lands required.

Obligatory
expropria-
tion.

The Government and the entities mentioned in section 191-16 must expropriate in full ownership when the organization of the services listed in section 191-19 would result in the effective withdrawal of Category I-N lands from the use and enjoyment of the Naskapi beneficiaries.

Applica-
bility of
the Expro-
priation
Act.

"191-18 The Expropriation Act applies to the expropriations made pursuant to sections 191-16 and 191-17 except where it is incompatible with this chapter, in which case the latter prevails.

Services
contem-
plated.

"191-19 The services contemplated in sections 191-16 and 191-17 are the following:

(a) infrastructures: such as regional roads and arteries, bridges, airports and protection and irrigation facilities;

(b) local services: such as water systems, sewers, purification plants, treatment plants, fire protection services and other services generally provided by municipal or local governments;

(c) public utilities: such as electricity, gas, oil, telecommunications and telephones;

(d) gas pipelines, oil pipelines and energy transmission lines;

(e) other services of a similar nature established by law.

Conditions. **“191-20** However, in the cases provided for in paragraph *d* of section 191-19, the following conditions apply:

(a) the installations shall, taking into account all circumstances, be situated as far away as possible from the centre of the village;

(b) lands necessary for such purposes shall be replaced, subject to section 191-22 in respect of Block Pearce, Block Cartier and Block Matemace;

(c) all reasonable efforts shall be made to situate such gas pipelines, oil pipelines and energy transmission lines in Category III or Category II-N lands, for equal cost.

Compensation. **“191-21** The Naskapi local government is entitled to compensation in money when servitudes are established pursuant to section 191-16 for the organization of the services listed in paragraphs *a*, *b*, *c* and *e* of section 191-19.

Compensation in land and money. **“191-22** The Naskapi local government is, at its option, entitled to compensation in an equal area of land or in money, or partly in land and partly in money, when lands are taken pursuant to section 191-17 for the organization of the services listed in paragraphs *a*, *b*, *c* and *e* of section 191-19.

Compensation in money. In Block Cartier or Block Pearce, defined in section 20 of the Northeastern Québec Agreement, for the organization of all the services listed in section 191-19, the compensation is exclusively in money, when the block within which the lands are taken becomes Category IA-N lands.

Block Matemace. In Block Matemace, defined in section 20 of the Northeastern Québec Agreement, for the organization of all the services listed in section 191-19, the compensation is exclusively in money, when the block within which the lands are taken is subject to a relocation provided for in the same section of the Agreement and when Québec has serious grounds for not being able to replace such lands.

Exception. **“191-23** The Naskapi local government is not entitled to any compensation when servitudes are established pursuant to section 191-16 or when lands are taken pursuant to section 191-17 for the organization of the services listed in paragraphs *a*, *b*, *c* and *e* of section 191-19 and these services are of direct benefit to:

(a) Category I-N lands, or

(b) the Naskapi community or the agglomeration in which it resides.

Direct
benefit

"191-24 Direct benefit, contemplated in section 191-23, is determined with respect to the potential use of the services by, or the future advantages to, the Naskapi community, or the future benefit to Category I-N lands.

Services
of direct
benefit.

"191-25 The following services are of direct benefit for the lands or the community mentioned in section 191-23:

(a) public services expressly requested by the Naskapi local government;

(b) essential services for the Naskapi community, provided such services are used by the Naskapi beneficiaries to improve their quality of life.

Local
services.

They include local services generally provided by municipal or local governments and by public utilities, as well as local roads, bridges and airports and other similar services.

Burden
of proof.

For any other service, the burden of proof in establishing the direct benefit within the meaning of this section lies upon the expropriator.

Notice of
expropria-
tion.

"191-26 The expropriation notice shall contain a statement indicating whether or not the service is of direct benefit. The Naskapi local government has the right to contest this statement in accordance with section 191-29.

Compen-
sation in
land.

"191-27 In the case of compensation in the form of land, the following rules apply:

(a) the Naskapi local government shall indicate its preference to the Government as to the selection of lands as soon as the notice of expropriation has been communicated to it or, if the right to expropriate is contested, as soon as the final judgment on the motion has been communicated to it;

(b) if there is disagreement as to the choice of lands, the Government shall then propose to the Naskapi local government, taking into consideration the preference of the latter, an area with characteristics similar to those of the expropriated lands, as far as possible, and contiguous to Category I-N lands;

(c) the area so proposed as replacement land shall be double the size of the land to be replaced. The Naskapi local government shall then be entitled to select from the new area a piece of

land equal in size to the land expropriated and contiguous to Category I-N lands;

(d) the procedure provided for in this section begins on the day on which the Government communicates the notice of expropriation provided for in paragraph *a* or, if the right to expropriate is contested, on the day on which final judgment on the motion is communicated; this procedure ends at the latest on the one hundred and twentieth day which follows the beginning of the procedure;

(e) if there is no agreement on the choice of the replacement lands within the period of one hundred and twenty days, the compensation shall take the form of money.

Delay.

"191-28 The establishment of a servitude pursuant to section 191-16 or the taking of lands pursuant to section 191-17 for the organization of a service contemplated in section 191-19, including any construction work relating thereto, may proceed after sixty days from the beginning of the procedure contemplated in paragraph *d* of section 191-27.

Decision referred to expropriation tribunal.

"191-29 If there is no agreement between the Naskapi local government and the expropriator respecting the determination of what is direct benefit, or if the compensation is to be in the form of money and there is no agreement as to what is suitable compensation, the decision as to one or the other of these two questions shall be made by the Tribunal de l'expropriation, unless there is an agreement to submit the matter to final and binding arbitration.

Classification.

"191-30 Lands expropriated in accordance with section 191-17 shall be classified as Category III lands.

Lands for compensation.

Lands selected pursuant to section 191-27 are classified as Category I-N lands. Such lands shall be taken from Category III lands.

Reclassification.

"191-31 The Naskapi local government may elect to have the expropriated lands reclassified as Category I-N lands when such lands are no longer required and when the compensation was made in the form of lands or the services were declared to be of direct benefit. In such a case, the lands allocated as compensation revert to the Government and shall be reclassified as Category III lands.

"§ 2.—Immoveables of Québec, leases and occupation permits

Crown property.

"191-32 The buildings and other installations used for the public service which belonged to the Crown in right of Qué-

bec on 31 January 1978, remain its property, with the right to use, replace, add to and reconstruct them for public purposes.

Leases and
occupation
permits.

"191-33 The holders of leases, occupation permits or other authorizations granted by the Government before 31 January 1978, on lands classified under this act as Category I-N lands, may continue to exercise their rights for the same purposes, as if such lands were Category III lands until the expiry of the term fixed for the exercise of such rights.

Renewal.

Those grants of rights may be renewed and those rights may be exercised in accordance with the preceding paragraph.

"§ 3.—Natural resources

Rights and
titles.

"191-34 The holders of rights or titles granted before 31 January 1978 in the form of mining claims, development licences, exploration permits, mining concessions, mining leases and other similar titles pertaining to minerals as defined in the Mining Act, as amended to 31 January 1978, on lands surrounded by or adjacent to lands classified under this act as Category I-N lands, may use Category I-N lands to the extent necessary for the exercise of their rights and their mining and exploration activities, in accordance with Division xxii of the Mining Act, as amended to 31 January 1978.

Temporary
servi-
tudes.

The Category I-N lands required for such purposes shall be subject only to temporary servitudes, which shall be governed by the applicable provisions of the Mining Act.

Compensation.

The compensation to be paid to the Naskapi local government by the Government for the use of such Category I-N lands for purposes other than exploration shall consist of replacement lands of an equal area in accordance with the procedure provided for in section 191-55. The compensation to be paid, in the case of exploration, shall be equivalent to the amount paid to the Government for the use of surface rights on Crown lands in similar cases.

Mineral
and
subsurface
rights.

"191-35 The Crown in right of Québec retains the ownership of the mineral rights and subsurface rights on Category I-N lands.

Consent.

No minerals or mineral or other subsurface rights may be obtained, extracted, mined or exercised from or with respect to any Category I-N lands, from 31 January 1978, without the consent of the Naskapi local government and without the payment of the compensation agreed upon for the use of rights over such lands.

Exploration.

“191-36 The consent provided for in section 191-35 is not required when the holders of the rights provided for in section 191-34 wish to explore or develop the extension of mineralization in Category I-N lands around the lands subject to the mining rights mentioned in the said section.

Soapstone.

“191-37 Deposits, in Category I-N lands, of soapstone or other similar material used for traditional arts and crafts of the Naskapi beneficiaries are granted in full ownership to the Naskapi local government.

Gravel.

“191-38 Permits must be obtained by the Naskapi local government from the Ministre des richesses naturelles for the use of gravel and other similar material generally used for earth works for personal and community use.

Permits.

When such permits are applied for, the Ministre des richesses naturelles shall not withhold them if all applicable regulations are complied with. However, no duties may be collected.

Forest.

“191-39 Naskapi beneficiaries are entitled to use the forest on Category I-N lands, for personal needs and community purposes.

Forest resources.

“191-40 The Naskapi local government has the exclusive right to the commercial exploitation of the forest resources on Category I-N lands and may act directly or through persons authorized by it.

Authorization.

In such a case, the Naskapi local government shall obtain cutting rights or a licence to cut timber from the Ministre des terres et forêts, who shall not withhold his authorization if that commercial cutting conforms to the development and marketing plan approved by him.

Stumpage dues.

Where forest resources are commercially exploited, the Naskapi local government is not required to pay stumpage dues.

Standards.

“191-41 Subject to sections 191-39 and 191-40, the exploitation of forest resources on Category I-N lands must be carried on in accordance with the standards established in the applicable laws and regulations. The general programme of forest protection, including costs, is applicable to it.

“§ 4.—Residence

Non-beneficiaries.

“191-42 Non-beneficiaries residing on Category I-N lands, on 31 January 1978, have the right to remain there until the expiration of their rights of occupancy or residence on such

lands but they are subject to the by-laws of the Naskapi band or, as the case may be, of the Naskapi village corporation.

Residence
subject to
by-laws.

"191-43 Subject to section 191-42, non-beneficiaries are not authorized to reside on Category I-N lands except in virtue of the by-laws of the Naskapi band or, as the case may be, of the Naskapi village corporation.

Conditions.

Such by-laws must authorize non-beneficiaries to reside on Category I-N lands if, with the approval of the Naskapi local government, they are engaged in administrative or public duties or in scientific studies, provided that such activities do not require the presence of a number of persons sufficient to significantly alter the demographic composition of the Naskapi village contemplated in section 20 of the Northeastern Québec Agreement.

Spouse
and
family.

"191-44 Persons married to Naskapi beneficiaries and the members of their families, to the first degree, are authorized to reside on Category I-N lands.

"§ 5.—Access

Public
access.

"191-45 The public has access to roads, arteries, airports, bridges, public seaplane bases, wharves, rivers and major lakes, public buildings and lands used for public purposes.

Restricted
access.

"191-46 The following persons also have access to Category I-N lands:

(a) persons authorized to reside thereon;

(b) persons authorized to exercise public functions or engaged in technical surveys, or in the construction or operation of public installations or public services;

(c) holders of mining rights and persons involved in activities required for the exercise of such rights;

(d) any other person authorized by the Naskapi band or, as the case may be, the Naskapi village corporation.

Control.

"191-47 Subject to sections 191-45 and 191-46, only Naskapi beneficiaries have access to Category I-N lands and the Naskapi band or, as the case may be, the Naskapi village corporation may, by its power to make by-laws, control access thereto provided that such right of access is not withheld or unduly restricted.

"CHAPTER II

"CATEGORY II-N LANDS

"DIVISION I

"GENERAL PROVISIONS

Total
area.

"191-48 Category II-N lands have a total area of four thousand one hundred and forty-four (4 144) square kilometres. Such lands remain public lands. This total area shall not be modified except in accordance with the application of this act.

Rights.

The Naskapi beneficiaries have, on Category II-N lands, the rights which are granted to them by this act and any other act which refers to those lands.

Descrip-
tion.

The Government shall describe Category II-N lands by order in council. Such lands shall correspond substantially to the Category II-N lands mentioned in section 4 of the Northeastern Québec Agreement. The Government shall amend such description following the application of the land regime provided for in this act.

Category
II-N lands.

"191-49 Category II-N lands include, without being limited thereto, a strip of land measuring one hundred and fifty-two and four-tenths (152.4) metres, on each side of the roads built through Category IB-N lands under sections 191-16 and 191-17.

Commercial
operations.

"191-50 Only Naskapi beneficiaries and persons authorized by the Naskapi Village Corporation may establish or operate commercial facilities on the strips of land measuring one hundred and fifty-two and four-tenths (152.4) metres referred to in section 191-49, subject to the provisions relating to mining operations or other mining activities contained in section 191-34 that are applicable to such strips of land.

"DIVISION II

"REGIME

"§ 1.—*Development*

Develop-
ment of
Category
II-N lands.

"191-51 The Government, Hydro-Québec, and their nominees and any other persons duly authorized have the right, subject to all applicable laws and regulations, to develop Category II-N lands. Category II-N lands appropriated for development purposes shall be classified as Category III lands.

Replace-
ment.

The Naskapi Village Corporation then has the right to a replacement of the said lands with an equal area of Category II-N lands in accordance with the procedure provided in section 191-55, to monetary compensation agreed upon between the corporation and the Government, or to compensation partly in one and partly in the other of these forms, if the parties agree.

Develop-
ment.

“191-52 With respect to Category II-N lands, “development” means any act or deed which prevents beneficiaries from exercising their hunting, fishing and trapping activities, except for “pre-development”, which means any act or deed relating to surveys and research in the field for a limited period of time for the purpose of gathering information with a view to deciding whether or not development will take place.

Regula-
tions.

“191-53 Except in the case of activities directly related to pre-development, the Government may make regulations to control the rights of or the exercise of rights by non-beneficiaries and may establish appropriate enforcement mechanisms when the authorized activities of non-beneficiaries interfere with or could reasonably be expected to interfere with the rights granted to the beneficiaries by the Act respecting hunting and fishing rights in the James Bay and New Québec Territories (1978, chapter 92).

Notice of
develop-
ment.

“191-54 The Government shall give notice of the decision to undertake a development on Category II-N lands to the Naskapi Village Corporation. That notice shall reproduce section 191-55.

Compensa-
tion.

“191-55 In the case of compensation in the form of land, the following rules apply:

(a) the Naskapi Village Corporation shall indicate its preference to the Government, as to the selection of lands, as soon as the decision to proceed with the development has been communicated to it;

(b) if there is disagreement as to the choice of lands, the Government shall then propose to the corporation, taking into consideration the preference of the latter, an area with characteristics similar to the Category II-N lands required for the purposes of development, as far as possible, and contiguous to Category II-N lands;

(c) the area so proposed as replacement land shall be double the size of the land to be replaced; the corporation shall then be entitled to select from that new area a piece of land contiguous to the Category II-N lands and equal in size to the land

appropriated for the purposes of such development as full compensation for the reappropriation of that land;

(d) the procedure provided for in this section begins on the day on which the Government communicates the decision provided for in paragraph *a* and ends at the latest on the one hundred and twentieth day which follows; nevertheless, the appropriation of lands for development purposes or any related construction work may proceed after sixty days from the beginning of the procedure;

(e) if the corporation does not exercise the right it has under paragraph *c* within the one hundred and twenty day period, the compensation shall then be made in the form of lands, chosen by the Government from the proposed replacement lands provided for in paragraph *c*, unless there is an agreement to submit the matter to final and binding arbitration.

Regulariza-
tion of the
flow of
rivers.

"191-56 Subject to the laws and regulations of general application, the Government, Hydro-Québec, and all public bodies, agencies and corporations authorized by law may modify or regulate the flow of rivers in Category II-N lands, even if such rivers flow through, or are adjacent to, Category I-N lands and even if these modifications or regularizations have downstream effects, including within Category I-N lands.

Rules.

"191-57 The modification or regularization of rivers provided for in section 191-56 is, however, in Category I-N lands, subject to the following rules:

(a) the flow regime shall not be modified in such a way as to raise the water level of a river above the highest previously recorded water level of this river;

(b) for the purposes of establishing or maintaining in Category I-N lands the services listed in section 191-19 which are of direct benefit as provided for in section 191-25, the water level of rivers may be raised above the highest recorded level;

(c) if shore facilities or other installations or rights connected therewith are affected by the change of water level, the Government and the bodies mentioned in section 191-56 are liable for damages to such facilities, installations or rights connected therewith.

Consent
unrequired.

"191-58 The modification or regularization of the flow regime of the rivers provided for in section 191-56 may be carried out without any expropriation being effected and without any consent being requested under this act for the utilization of the lands contemplated therein.

Fishing
rights
subject to
develop-
ment.

"191-59 The rights and guarantees granted to the beneficiaries pursuant to the Act respecting hunting and fishing rights in the James Bay and New Québec territories (1978, chapter 92) are subject to the rights of the Government, Hydro-Québec, their nominees and any other persons duly authorized to develop Category II-N lands, in accordance with the applicable laws and regulations.

Servitudes.

"191-60 The servitudes for the organization of the services contemplated in section 191-19 may be established on Category II-N lands without payment of any compensation.

"§ 2.—Natural resources

Explora-
tion and
survey.

"191-61 Mineral exploration and technical surveys in Category II-N lands do not constitute development activities within the meaning of section 191-52, and may be carried out without giving rise to compensation. Nevertheless, such activities must be so carried out as to avoid unreasonable conflict with the exercise of the right to harvest of beneficiaries provided for in the Act respecting hunting and fishing rights in the James Bay and New Québec territories (1978, chapter 92).

Soapstone.

"191-62 Naskapi beneficiaries may acquire, by way of a permit issued free of charge by the Ministre des richesses naturelles, who shall not unduly refuse it, the right to exploit soapstone for the purposes of traditional arts and crafts. Applications for permits are made through the Naskapi Village Corporation.

Permit.

"191-63 The permit contemplated in section 191-62 is granted by the Ministre des richesses naturelles in accordance with the conditions and regulations established by the Government.

Staking.

"191-64 To obtain the permit mentioned in section 191-62, the lands contemplated in the application for a permit shall be in the shape of a square or a rectangle, the sides of which shall not exceed 400 metres, and shall be marked out on the ground by the Naskapi beneficiary in the following manner:

(a) by planting a stake at the apex of each angle of the lot of land and indicating thereon the number of the permit;

(b) the length of the stakes above ground must be approximately one metre and twenty-five centimetres and their diameter at least nine centimetres; they must be squared on all four sides for a length of at least twenty-five centimetres starting from the head; stumps or trees of the required dimension may be used in place of stakes;

(c) in territory where there is no wood from which stakes conformable to the requirements of paragraph *b* can be made, the apices of the angles may be marked by a pile of stones and earth at least one metre in diameter and fifty centimetres high supporting a stake of a smaller diameter;

(d) the lines between the stakes shall be marked out or indicated on the ground in such a way that they may be followed from one stake to the next.

Application. “**191-65** Applications for soapstone permits must be made in writing to the Ministre des richesses naturelles and be accompanied with:

(a) the name and place of residence of the applicant;

(b) a sketch indicating to the satisfaction of the Minister

(i) the location of the deposit and of the land requested in relation to the nearest agglomeration and to the physiographical characteristics of the surrounding territory;

(ii) the shape and area of the land contemplated by the application;

(iii) the length and breadth of the sides of the land contemplated in the application.

Term. “**191-66** The permit contemplated in section 191-62 is valid for one year.

Zone. “**191-67** The zones contemplated in such a permit are limited to the outcrops easily accessible to the Naskapi beneficiaries.

Other mineral substances “**191-68** The right to exploit soapstone, which the Naskapi beneficiaries may acquire, is subordinate to the rights relating to other mineral substances, in such a way that it will not prevent possible mining development on Category II-N lands; consequently, any permit issued pursuant to section 191-62 on a lot of land may be cancelled by the Ministre des richesses naturelles after the registration of claims and of other titles to mining rights other than for soapstone, granted pursuant to the Mining Act on the said land, and after a thirty day notice to the holder of the permit.

Forest operations. “**191-69** Forest operations on Category II-N lands are compatible with hunting, fishing and trapping activities.

Commercial cutting programme. Commercial cutting programmes on Category II-N lands are defined according to management plans elaborated by the Ministère des terres et forêts, which shall take hunting, fishing and trapping activities into consideration.

“ § 3.—Access

Access.

“**191-70** Subject to the rights of the beneficiaries under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (1978, chapter 92), persons exercising a right compatible with such rights, as well as persons exercising duties imposed by law, have access to Category II-N lands and may remain there and erect constructions thereon.

Special provisions.

“**191-71** In addition to the general provisions of any applicable law, the exercise of the rights provided for in section 191-70 is subject to the following special provisions:

(a) persons wishing to carry out exploration activities, pre-development activities, scientific studies and administrative activities must obtain authorization therefor from the Minister;

(b) the applications for the authorizations contemplated in paragraph *a* shall include information relating to the object, nature, importance and duration of the activities, and a description of the installations;

(c) where an authorization is granted, the information so furnished to the Minister shall be communicated to the Naskapi Village Corporation, as soon as possible;

(d) activities which do not involve substantial operations in the field, such as geoscientific studies and mining exploration of the type contemplated in the Mining Act (1965, 1st session, chapter 34) are not subject to the obtaining of the authorization provided for in paragraph *a*, nor to the communication of the information provided for in paragraphs *b* and *c*;

(e) the activities provided for in paragraphs *a* and *d* shall be carried out in such a manner as to avoid any unreasonable conflict with the rights which the beneficiaries are acknowledged to have under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (1978, chapter 92).”

1978, c. 92,
s. 1, am.

51. Section 1 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (1978, chapter 92) is amended:

(a) by inserting after paragraph *d* the following paragraph:

“Naskapi
band”;

“(d-1) “Naskapi band” means the band, within the meaning of the Indian Act (Revised Statutes of Canada, 1970, chapter I-6), called the Naskapis de Schefferville, until its constitution as the corporation provided for in section 7 of the Northeastern Québec Agreement and, thereafter, the said corporation;”;

(b) by inserting after paragraph *g* the following paragraph:

"Naskapi community";

"(g-1) "Naskapi community" means the collectivity composed of all the Naskapis enrolled or entitled to be enrolled in the Naskapi register in accordance with the Act respecting Cree, Inuit and Naskapi Native persons (1978, chapter 97);";

(c) by replacing paragraph *h* by the following paragraphs:

"Agreement";

"(h) "Agreement" or "Agreement concerning James Bay and Northern Québec" means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46), as well as Complementary Agreements Nos 1 and 3 tabled in the Assemblée nationale, 18 April 1978, as Sessional Papers, No. 114;

"Northeastern Québec Agreement";

"(h-1) "Northeastern Québec Agreement" means the Agreement contemplated in section 1 of the Act approving the Northeastern Québec Agreement (1978, chapter 98);";

(d) by inserting after paragraph *j* the following paragraph:

"Naskapi Village Corporation";

"(j-1) "Naskapi Village Corporation" means the Naskapi Village Corporation of Schefferville incorporated under the Cree Villages Act (1978, chapter 88);";

(e) by inserting after paragraph *k* the following paragraph:

"Naskapi Landholding Corporation";

"(k-1) "Naskapi Landholding Corporation" has the same meaning as in the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter 93);";

(f) by inserting after paragraph *o* the following paragraphs:

"James Bay and Northern Québec region";

"(o-1) "James Bay and Northern Québec region" means the territory, excluding the Northeastern Québec region;

"(o-2) "Northeastern Québec region" means that portion of the territory shown on the map forming Schedule 4 and composed of the eastern sector and the western sector;

"eastern sector";
"western sector";

"(o-3) "eastern sector" and "western sector" mean the sectors of the Northeastern Québec region shown as such on the map forming Schedule 5;";

(g) by replacing paragraph *q* by the following paragraph:

"Category I, I-N, IA, IA-N, IB, IB-N, II, II-N and III lands";

"(q) "Category I, I-N, IA, IA-N, IB, IB-N, II, II-N and III lands" means the lands so designated and delimited under the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter 93) or, in the meantime, under the Act respecting Cree, Inuit and Naskapi Native persons (1978, chapter 97);".

“(b) in the Cree traplines, where the Crees have the exclusive trapping rights provided for in paragraph *e* of section 18 and where only Cree tallymen, their families as defined in section 19 and the Crees and Inuit authorized by those tallymen have the right to harvest.”

1978, c. 92,
s. 9, re-
placed.

53. Section 9 of the said act is replaced by the following section:

Provisions
applicable
in the
northern
zone.

“**9.** In the northern zone, this act applies save that

(a) non-Natives may, notwithstanding Chapter VIII, do sport hunting for wolf south of the 55th parallel and sport hunting for black bear outside the Cree traplines;

(b) persons other than Naskapis, resident in that part may, notwithstanding the said Chapter VIII, do sport fishing for all species of fish in the part of the Northeastern Québec region south of the 55th parallel;

(c) any requirement established pursuant to subparagraph *a* of the second paragraph of section 39 for the use of existing outfitting facilities do not apply in the western sector of the Northeastern Québec region to residents of that region unless the Minister decides otherwise.”

1978, c. 92,
heading,
replaced.

54. The heading of Chapter V of the said act is replaced by the following heading:

“APPLICATION TO CREES, INUIT AND NASKAPIS”.

1978, c. 92,
s. 10, re-
placed.

55. Section 10 of the said act is replaced by the following section:

Interpreta-
tion.

“**10.** Unless otherwise provided for the purposes of this act, “Crees”, “Inuit” or “Naskapis” means the Cree beneficiaries, Inuit beneficiaries or Naskapi beneficiaries within the meaning of the Act respecting Cree, Inuit and Naskapi Native persons (1978, chapter 97) and “Native people” means the Cree beneficiaries, Inuit beneficiaries and Naskapi beneficiaries within the meaning of the same act.”

1978, c. 92,
s. 11, am.

56. Section 11 of the said act is amended:

(a) by replacing that part which precedes paragraph *a* by the following:

Rights of
Crees.

“**11.** Only the Crees may exercise, in conformity with this act, all the rights granted by this act without distinction to Native people or to some of them in.”;

(b) by replacing paragraph *c* by the following paragraph:

“(c) that portion of the northern zone south of the 55th parallel, except

(i) the Category I lands for the Inuit of Fort George; and

(ii) that portion of the Northeastern Québec region south of the 55th parallel;”.

1978, c. 92,
s. 12, am.

57. Section 12 of the said act is amended:

(a) by replacing that part which precedes paragraph *a* by the following:

Rights of
Inuit.

“**12.** Only the Inuit may exercise, in conformity with this act, all the rights granted by this act without distinction to Native people or to some of them in:”;

(b) by replacing subparagraph iv of paragraph *a* by the following subparagraph:

“(iv) that portion of the Northeastern Québec region north of the 55th parallel;”.

1978, c. 92,
s. 12-1,
added.

58. The said act is amended by inserting after section 12 the following section:

Rights of
Naskapis.

“**12-1** Only the Naskapis may exercise, in conformity with this act, all the rights granted by this act without distinction to the Native people or to some of them in the western sector of the Northeastern Québec region.”

1978, c. 92,
s. 13, am.

59. Section 13 of the said act is amended by replacing that part which precedes paragraph *a* by the following:

Joint
exercise.

“**13.** In addition, the Crees and Inuit may exercise jointly, in conformity with this act, all the rights granted by this act without distinction to the Native people or to some of them in:”.

1978, c. 92,
s. 13-1,
added.

60. The said act is amended by inserting after section 13 the following section:

Joint
exercise.

“**13-1** In addition, the Inuit and Naskapis may exercise jointly, in conformity with this act, all the rights granted by this act without distinction to the Native people or to some of them in the eastern sector of the Northeastern Québec region.”

1978, c. 92,
s. 15-1 to
15-3, added.

61. The said act is amended by inserting after section 15 the following sections:

Caribou. **"15-1** In the areas contemplated in section 11 and indicated in Schedule 6, the Naskapis may exercise the right to harvest caribou without being subject to the supervision of the Cree tallyman concerned.

Other animals. When he exercises such a right in respect of caribou, a Naskapi, only to feed himself in the case of need, may exercise

(a) the right to harvest fur-bearers; however, that right involves, in the case of beaver, the obligation to remit the pelt to the Cree tallyman concerned as soon as possible or, if not, to remit the pelt to the council of the Cree band of which the Cree tallyman is a member;

(b) the right, included in the right to harvest, to hunt black bear and moose;

(c) the right to harvest fish and birds, except the right to establish commercial fisheries.

Quotas unchanged. No black bear, moose, fur-bearer, fish or bird hunted, fished, trapped, captured or killed in the exercise of the right to harvest contemplated in this section may in any case be the object of quotas allocated to the Naskapis, but is included in the calculation of the portion of the global kill allocated to them.

The exercise of the right to harvest caribou contemplated in this section is also subject to the following provisions:

Establishment of the kill. in establishing the kill for caribou allocated to the Naskapis in the areas contemplated in this section and established in conformity with section 78 or in applying any other measure of wildlife management provided for in this act, the Coordinating Committee or the Minister shall take into account the availability of wildlife resources elsewhere than in the areas contemplated in this section and shall adhere to and take into account the guaranteed levels of harvesting of which the Crees are assured under Chapter XIII.

Caribou. **"15-2** In the areas contemplated in section 12 and indicated in Schedule 6, except Category I and II lands for the Inuit, the Naskapis may exercise the right to harvest caribou.

Other animals. When he exercises such a right in respect of caribou, a Naskapi may exercise the right to harvest fur-bearers, fish and birds but only to feed himself in the case of need.

Part of quotas. Fur-bearers, fish and birds hunted, fished, trapped, captured or killed in the exercise of the right to harvest contemplated in this section form part of the quotas or of any form of allocation of wildlife resources applicable to the Naskapis under this act.

Caribou. “**15-3** In the areas contemplated in section 12-1 and indicated in Schedule 6, except Category I-N and II-N lands for the Naskapis, the Inuit may exercise the right to harvest caribou.

Other animals. When he exercises such a right in respect of caribou, an Inuk may exercise the right to harvest fur-bearers, fish and birds but only to feed himself in the case of need.

Part of quotas. Fur-bearers, fish and birds hunted, fished, trapped, captured or killed in the exercise of the right to harvest contemplated in this section form part of the quotas or of any form of allocation of wildlife resources applicable to the Inuit under this act.

Restriction. The right to harvest caribou contemplated in the first paragraph may be exercised south of the 56°15' parallel only

(a) while travelling between an Inuit community and Schefferville; or

(b) if the quota of caribou allocated to the Inuit based on the species in the whole territory cannot be reached by reason of the rarity of that species in the areas contemplated in sections 12, 13 and 13-1 and in the areas contemplated in this section north of the 56°15' parallel, and if the majority of the members of the Coordinating Committee having the right to vote have given their authorization and specified the duration of that authorization.

Definition of majority. The majority contemplated in the preceding paragraph must include the members appointed by Makivik Corporation and those appointed by the Government.”

1978, c. 92,
s. 19, am. **62.** Section 19 of the said act is amended by replacing the fourth paragraph by the following paragraph:

Community use. “Community use includes the gift, exchange and sale of products of the exercise of the right to harvest consistent with practice as of 11 November 1975 between Cree, Inuit or Naskapi communities or members of one or more of such communities, whether or not they carried on such activities as of that date. In the case of Native persons living in non-Native settlements, community use is restricted to the gift, exchange and sale between themselves of products of the exercise of the right to harvest consistent with practice as of 11 November 1975, and does not include the gift and sale of such products to Cree, Inuit or Naskapi communities or exchange with such communities. Community use does not include the exchange of fish and meat with non-Natives or the sale of such products to such persons save in the case of commercial fisheries.”

1978, c. 92,
s. 22, am. **63.** Section 22 of the said act is amended by replacing the fifth paragraph by the following paragraph:

Leases and
licenses.

"In areas specified, in a lease or licence existing on 11 November 1975 and still in force on 14 February 1979, as being reserved for the exclusive use of an outfitter and in areas which, on the same dates and subject to the same conditions, were the object of a fish and game lease, the right to harvest, except for the right to trap, shall not be exercised during the operating season of such outfitter, lessee or licence holder except if such outfitter, lessee or licence holder agrees otherwise with the interested Inuit landholding corporation, the interested Cree village corporation or the interested Naskapi Landholding Corporation."

1978, c. 92,
s. 23, am.

64. Section 23 of the said act is amended:

(a) by replacing paragraph *a* by the following paragraph:

"(a) does not affect the trapping rights which the Indians and the Inuit not party to the Agreement concerning James Bay and Northern Québec or the Northeastern Québec Agreement exercised before 11 November 1975 in the New Québec, Bersimis, Saguenay, Abitibi, except the Waswanipi division, and Grand Lac Victoria beaver reserves, contemplated and described in Orders in Council nos 1637 and 1640 dated 14 June 1967 and which they would be acknowledged to have, except in the Category I-N and II-N lands for the Naskapis, where the said exclusive right to trap prevails for the Naskapis;"

(b) by replacing paragraph *d* by the following paragraph:

"(d) can be suspended by the Minister within a given area where the Native people have not trapped for so long that trapping has become necessary therein for the proper management of a wildlife species. However, the Minister may, only upon the advice of the Coordinating Committee and after giving advance notice through the said committee to Makivik Corporation, the Cree Regional Authority or the Naskapi Landholding Corporation concerned, declare such suspension and permit non-Natives to exercise the necessary trapping activity if he finds the notice has not been acted upon within a reasonable delay. Such permission shall be discussed between the Minister and Makivik Corporation, the Cree Regional Authority or the Naskapi Landholding Corporation; failing an agreement, the Minister may, but only upon recommendation of the Coordinating Committee, permit non-Natives to trap in the area concerned, on such conditions as he may determine, for a period not exceeding four years. At the expiration of the said period, the Native people recover the exclusive right to trap in that area; if they fail again to exercise that right, the provisions of this paragraph apply anew."

1978, c. 92,
s. 25, am.

65. Section 25 of the said act is amended by replacing the second paragraph by the following paragraph:

Exception.

"However, the Minister, by exception and for the purposes of management, may prescribe of his own initiative or on the recommendation of the Coordinating Committee the obligation to hold leases, licences or other authorizations to exercise the right to harvest. The Native people, upon payment, in each case, of the sum of one dollar, may obtain such leases, licences or authorizations from the Cree village corporations in the case of Crees, from the northern village corporations in the case of Inuit or from the Naskapi village corporation in the case of Naskapis."

1978, c. 92,
s. 29, am.

66. Section 29 of the said act is amended by replacing the first paragraph by the following paragraph:

Modifica-
tions.

"29. The Cree Regional Authority and Makivik Corporation, after consulting the Coordinating Committee, may from time to time by mutual agreement agree on modifications to be made to sections 11, 12, 13, 14 and 15. These modifications must not affect the Northeastern Québec region nor prejudice the exercise of the rights provided by this act for the Naskapis."

1978, c. 92,
s. 30, re-
placed.

67. Section 30 of the said act is replaced by the following section:

Commercial
fisheries.

"30. The Native people have, within Category I, I-N, II and II-N lands, the exclusive right to establish and operate commercial fisheries. Within Category III lands, they have the exclusive right to do so as regards the species of fish contemplated in section 34."

1978, c. 92,
s. 32, am.

68. Section 32 of the said act is amended by adding at the end the following paragraph:

Consent.

"In like manner, no commercial fishery may be authorized within Category IA-N lands for the Naskapis without the consent of the Naskapi band council, or within Category IB-N and II-N lands for the Naskapis, without the consent of the Naskapi village corporation."

1978, c. 92,
s. 36, re-
placed.

69. Section 36 of the said act is replaced by the following section:

Exclusive
rights.

"36. The Native people have the exclusive right to hunt and fish in Category I, I-N, II and II-N lands.

Authoriza-
tion for
non-Native.

Notwithstanding the first paragraph, and in conformity with this act, any person other than a Cree or an Inuk may sport

hunt or sport fish on the lands hereinafter designated if he is authorized and complies with the conditions established by

(a) the interested band council in the case of Category IA lands for Crees;

(b) the interested Cree village corporation in the case of Category IB and II lands for Crees;

(c) the interested Inuit landholding corporation in the case of Category I and II lands for Inuit.

Notwithstanding the first paragraph, and in conformity with this act, any person other than a Naskapi may sport hunt or sport fish on the lands hereinafter designated if he is authorized and complies with the conditions established by

(a) the Naskapi band council in the case of Category IA-N lands for Naskapis;

(b) the Naskapi Village Corporation in the case of Category IB-N and II-N lands for Naskapis.”

1978, c. 92,
s. 37, am.

70. Section 37 of the said act is amended:

(a) by inserting after subparagraph *c* of the first paragraph the following subparagraphs:

“(d) the Naskapi band council in the case of Category IA-N lands for Naskapis;

“(e) the Naskapi Village Corporation in the case of Category IB-N and II-N lands for Naskapis.”;

(b) by replacing the second paragraph by the following:

Restriction.

“However, in the case of unusual and large influxes of such persons into a Native community, the interested Cree or Naskapi band council, or the Cree village corporation, Naskapi Village Corporation or northern village corporation may determine whether and upon what terms and conditions such persons may do sport hunting or sport fishing.”

1978, c. 92,
s. 38-1
added.

71. The said act is amended by inserting after section 38 the following section:

Persons of
Naskapi
ancestry.

“38-1 Notwithstanding section 27, any person of Naskapi ancestry, resident in Québec and not eligible for benefits and advantages of the Northeastern Québec Agreement who traditionally hunts, fishes and traps in the Northeastern Québec region may be permitted to exercise the right to harvest, but solely for personal use,

(a) in Category IA-N lands for Naskapis, by the Naskapi band council;

(b) in Category IB-N and II-N lands for Naskapis, by the Naskapi Village Corporation.

Quotas
unchanged.

However, their hunting and fishing shall not be counted in the hunting and fishing quotas allocated to the Native people under paragraph c of section 94."

1978, c. 92,
s. 40, am.

72. Section 40 of the said act is amended:

(a) by replacing the first paragraph by the following paragraph:

Outfitting
operations.

"**40.** The Native people have the exclusive right to establish and operate outfitting operations in Category I, I-N, II and II-N lands.";

(b) by inserting after subparagraph c of the second paragraph the following subparagraphs:

"(d) in Category IA-N lands for the Naskapis, with the express consent of the Naskapi band council;

"(e) in Category IB-N and II-N lands for the Naskapis, with the express consent of the Naskapi Village Corporation.";

(c) by replacing the third paragraph by the following paragraph:

Consent.

"The same consent is required for every Native person who wishes to establish or operate outfitting operations in Category I, I-N, II and II-N lands."

1978, c. 92,
s. 42-1,
added.

73. The said act is amended by inserting after section 42 the following section:

Non-
Naskapi
outfitter.

"**42-1** Every person other than a Naskapi operating as an outfitter in Category I-N or II-N lands of the Northeastern Québec region on 31 January 1978 may carry on his operations in the same manner as before, unless

(a) by 31 January 1980, he receives, outside his operating season as an outfitter, a written notice of at least two years to cease his operations; such a notice must come from the Naskapi band council if his outfitting operation is situated in Category IA-N lands, or from the Naskapi Village Corporation if it is situated in Category IB-N or II-N lands;

(b) the authorization to carry on his operations that must be sent to him on 31 January 1980 for a minimum period of five years and a maximum period of nine years, by the Naskapi band council if his outfitting operation is situated in Category IA-N lands or by the Naskapi Village Corporation if his outfitting operation is situated in Category IB-N or II-N lands, specifies different conditions of operation.

Cessation
of opera-
tions.

A person contemplated in this section must cease his operations on the date fixed in the notice contemplated in subparagraph *a* of the first paragraph or, unless he is otherwise notified by the body concerned, at the expiry of the delay fixed by the authorization that is sent to him under subparagraph *b* of the first paragraph."

1978, c. 92,
s. 43-1,
added.

74. The said act is amended by inserting after section 43 the following section:

Preferential
rights.

"43-1 Every person contemplated in subparagraph *a* of the first paragraph of section 42-1 has, notwithstanding sections 48 and 49, a preferential right to select a site in Category III lands, except in the area contemplated in section 50, with a view to establishing and operating outfitting facilities, such selection being subject to the approval of the Coordinating Committee. Such preferential right to select does not apply in the case of an outfitting operation owned or operated by the Gouvernement du Québec or the Canadian Government."

1978, c. 92,
s. 44-1,
added.

75. The said act is amended by inserting after section 44 the following section:

Naskapi
outfitter.

"44-1 The Naskapis have the right to operate in place of an outfitter contemplated in subparagraph *a* of the first paragraph of section 42-1 and having to cease his operations, in accordance with the following terms and conditions:

- (a) they must have a licence;
- (b) they may enlarge, diminish or modify the services offered by that outfitter;
- (c) they may purchase all or part of the equipment and facilities of that outfitter;
- (d) the Naskapi band or the Naskapi Village Corporation may receive gratuitously the equipment or facilities of the Government which has been acting as an outfitter in the categories of lands concerned.

Equip-
ment.

That outfitter may remove the equipment and facilities the Naskapis have not purchased from him.

Compensa-
tion.

The Government shall compensate that outfitter in conformity with his rights, if any, contained in the licence, lease or other authorization in virtue of which he was carrying on his operation.

Presump-
tion.

All equipment or facilities left on the spot by that outfitter for a period of two years after ceasing his operation is deemed to have been abandoned to the Government."

1978, c. 92,
s. 45-1,
added.

76. The said act is amended by inserting after section 45 the following section:

Rights
maintained.

"45-1 Subject to this chapter, the rights of outfitters and holders of fish and game leases existing on 31 January 1978 and still valid on 15 August 1979 in the case of the Northeastern Québec region shall be respected for the duration of their licences or leases and, at their expiration, the Minister may renew them on such conditions as he may fix after receiving the advice of the Coordinating Committee. This section is without prejudice to any agreement between the persons concerned and the interested Inuit landholding corporation or the Naskapi Landholding Corporation."

1978, c. 92,
s. 49, re-
placed.

77. Section 49 of the said act is replaced by the following section:

Restriction.

"49. The right of first refusal provided for in section 48 shall not be exercised in respect of at least three non-Native applications out of every ten applications made by persons wishing to establish and operate outfitting facilities in Category III lands. The Coordinating Committee shall oversee the implementation of this section and shall inform from time to time the Cree Regional Authority, Makivik Corporation, the Naskapi Landholding Corporation and the governments of Canada and Québec respecting the requirements for such implementation."

1978, c. 92,
s. 51, am.

78. Section 51 of the said act is amended by replacing the fifth, sixth, seventh and eighth paragraphs by the following paragraphs:

Notice of
agreement
with appli-
cation.

"When the Minister agrees with the recommendation of the Coordinating Committee to accept an application, he shall so inform the Committee, which shall forthwith transmit to the interested Cree Regional Authority, Naskapi Landholding Corporation or Makivik Corporation written notice of such application including all relevant information. No such notice shall be given when such application is for the renewal of a licence, lease or other authorization.

Right of
first
refusal.

Within four months from receipt of the notice specified in the preceding paragraph, the interested Cree Regional Authority, Naskapi Landholding Corporation or Makivik Corporation shall reply in writing to the Coordinating Committee indicating whether or not it or any Native person it designates intends to operate the outfitting facilities referred to in the said application.

Lapse of
right.

If the interested Cree Regional Authority, Naskapi Landholding Corporation or Makivik Corporation fails to reply to the

Coordinating Committee within the delay stipulated in the preceding paragraph, or if it declares before the end of the said delay that neither it nor a Native person designated by it intends to operate the outfitting facilities referred to in the application, the right of first refusal of the Native people lapses with respect to that application. The Coordinating Committee shall forthwith inform the Minister, who may then issue the licence, lease or other authorization requested in the application.

Acceptance. If, within the delay stipulated in the sixth paragraph, the interested Cree Regional Authority, Naskapi Landholding Corporation or Makivik Corporation informs the Coordinating Committee in writing that it or a Native person designated by it intends to operate the outfitting facilities referred to in the application, the Coordinating Committee shall forthwith so inform the Minister, who shall issue the requested licence, lease or other authorization, except where there is just cause under a law or regulation not to issue the licence, lease or authorization."

1978, c. 92,
s. 52, re-
placed. **79.** Section 52 of the said act is replaced by the following section:

Recommendation of the Coordinating Committee. **"52.** The Minister shall not unreasonably refuse the recommendation of the Coordinating Committee to accept any application submitted to him with respect to the operation of outfitting facilities in Category I, I-N, II or II-N lands when the application is accompanied with the consent contemplated in section 40."

1978, c. 92,
s. 53-1,
added. **80.** The said act is amended by inserting after section 53 the following section:

Exception. **"53-1** Every application for the renewal or transfer of outfitter's licences in regard to outfitting operations existing on 31 January 1978 in the region described in Schedule 7, is not subject to the right of first refusal contemplated in this chapter."

1978, c. 92,
s. 54, am. **81.** Section 54 of the said act is amended by replacing the second paragraph by the following paragraph:

Designation. "This committee may be designated under the name of "NDOO-WHO-WEESHOO-WOWN-GA-OOCH-MAHK-DICH" in Cree, of "ANNITUKVIK" in Inuttituut, of "INTOOHOON NOOTTIMMASAWIN AIINETCHANWITCH KAPISSTATCH" in Naskapi and of "Hunting, Fishing and Trapping Coordinating Committee" in English."

1978, c. 92,
s. 56, am. **82.** Section 56 of the said act is amended by replacing the first and second paragraphs by the following paragraphs:

Composition.

“56. The Coordinating Committee consists of sixteen members: the Cree Regional Authority and Makivik Corporation shall each appoint three members; the Naskapi Landholding Corporation shall appoint two members; the governments of Québec and of Canada shall each appoint four members. These sixteen members are removable.

Number of members.

The number of members of the Coordinating Committee may be changed with the unanimous consent of the Cree Regional Authority, Makivik Corporation, the Naskapi Landholding Corporation and the governments of Québec and of Canada. The decision to change the number of members comes into force on the day of its publication in the *Gazette officielle du Québec*.”

1978, c. 92,
s. 58, am.

83. Section 58 of the said act is amended:

(a) by replacing paragraphs *c* and *d* by the following paragraphs:

“(c) when matters relating to areas contemplated in section 11 are being dealt with by the Coordinating Committee, the members appointed by the Cree Regional Authority have eight votes, and the members appointed by Makivik Corporation and the Naskapi Landholding Corporation shall not vote;

“(d) when matters relating to areas contemplated in section 12 are being dealt with by the Coordinating Committee, the members appointed by Makivik Corporation have eight votes, and the members appointed by the Cree Regional Authority and the Naskapi Landholding Corporation shall not vote;

“(e) when matters relating to areas contemplated in section 12-1 are being dealt with by the Coordinating Committee, the members appointed by the Naskapi Landholding Corporation have eight votes, and the members appointed by the Cree Regional Authority and Makivik Corporation shall not vote;

“(f) when matters contemplated in section 59 in which only the Crees and Inuit have a common interest are being dealt with by the Coordinating Committee, the members appointed by the Cree Regional Authority have four votes, the members appointed by Makivik Corporation also have four votes and the members appointed by the Naskapi Landholding Corporation shall not vote;

“(g) when matters contemplated in section 59 in which only the Crees and Naskapis have a common interest are being dealt with by the Coordinating Committee, the members appointed by the Cree Regional Authority have four votes, the members appointed by the Naskapi Landholding Corporation also have four votes and the members appointed by Makivik Corporation shall not vote;

“(h) when matters contemplated in section 59 in which only the Inuit and Naskapis have a common interest are being dealt with by the Coordinating Committee, the members appointed by Makivik Corporation have four votes, the members appointed by the Naskapi Landholding Corporation also have four votes and the members appointed by the Cree Regional Authority shall not vote.”;

(b) by adding at the end the following paragraph:

Sharing of
votes.

“The Coordinating Committee must provide by an administrative by-law the mechanism for the sharing of votes when the number of the votes held by the members appointed by one authority exceeds their number.”

1978, c. 92,
s. 59, re-
placed.

84. Section 59 of the said act is replaced by the following section:

Matters of
common
interest.

“**59.** For the purposes of the sharing of votes between the members appointed by the Cree Regional Authority, Makivik Corporation and the Naskapi Landholding Corporation, the following matters shall be deemed of common interest to two or three Native groups:

(a) matters relating to the areas contemplated in section 13 or 13-1;

(b) matters relating to part of the areas contemplated in section 11, 12 or 12-1 but which, at the same time, involve a wild-life resource harvested by at least two Native groups or involving a decision which might affect the rights conferred on Inuit if it refers to any area contemplated in section 11 or 12-1 or on Crees if it refers to any area contemplated in section 12 or 12-1 or on Naskapis if it refers to any area contemplated in section 11 or 12;

(c) matters of general interest pertaining to the entire territory.

Number of
votes.

When such matters are being dealt with by the Coordinating Committee, the members contemplated in the first paragraph have the number of votes contemplated in section 58 if only two Native groups have a common interest and each has one vote if the three Native groups have a common interest.

Separate
groups.

For the purposes of this section, the Crees, the Inuit and the Naskapis each constitute a separate Native group.

Exception.

The right granted under the second paragraph of section 15-1, 15-2 or 15-3 shall in no case be considered as a matter contemplated in the first paragraph.”

1978, c. 92,
s. 60, am.

85. Section 60 of the said act is amended:

(a) by replacing that part which precedes paragraph *a* by the following:

Appoint-
ment of a
Chairman
and a Vice
Chairman.

“60. The Cree Regional Authority, Makivik Corporation, the Naskapi Landholding Corporation, the Gouvernement du Québec and the Government of Canada shall appoint from among their delegates a Chairman and a Vice-Chairman and, where applicable, a Second Vice-Chairman of the Coordinating Committee in the following manner:”;

(b) by replacing paragraph *a* by the following paragraph:

“(a) in the first year of operation of the Coordinating Committee, the Chairman shall be appointed by the Cree Regional Authority, the Vice-Chairman shall be appointed by the Naskapi Landholding Corporation and the Second Vice-Chairman shall be appointed by Makivik Corporation;”;

(c) by replacing paragraph *c* by the following paragraph:

“(c) in the third year, the Chairman shall be appointed by Makivik Corporation, the Vice-Chairman shall be appointed by the Naskapi Landholding Corporation and the Second Vice-Chairman by the Cree Regional Authority;”;

(d) by replacing paragraph *e* by the following paragraph:

“(e) in subsequent years, the appointment of the Chairman, the Vice-Chairman and, if applicable, the Second Vice-Chairman, shall be made in turn in accordance with paragraphs *a* to *d*;”.

1978, c. 92,
s. 61, re-
placed.

86. Section 61 of the said act is replaced by the following section:

Duties.

“61. The Chairman shall preside at all meetings of the Coordinating Committee and the Vice-Chairman shall act as chairman when the Chairman does not have the right to vote under section 58.

Second
Vice-
Chairman.

When neither the Chairman nor the Vice-Chairman has the right to vote pursuant to section 58, the Second Vice-Chairman shall act as chairman.

1978, c. 92,
s. 62, re-
placed.

87. Section 62 of the said act is replaced by the following section:

Terms of
office.

“62. The Chairman, the Vice-Chairman and, when applicable, the Second Vice-Chairman of the Coordinating Committee shall hold office for one year. The Coordinating Committee, if it considers it necessary to do so for the discharge of its office and duties, may appoint other officers from among its members.”

1978, c. 92,
s. 63, re-
placed.

88. Section 63 of the said act is replaced by the following section:

Quorum.

“63. Five members constitute a quorum at any meeting of the Coordinating Committee on condition that one delegate appointed by each authority as provided in section 56 is present. That delegate may be a member of the Coordinating Committee or a person designated by a special proxy in accordance with section 64.

Absence of
delegate.

The Coordinating Committee may act in the absence of a delegate contemplated in the first paragraph at any meeting regularly convoked a second time if, after the first regular convocation of that meeting, the meeting could not take place on the date fixed by reason of the absence of that delegate. The Coordinating Committee may then vote only on the subjects mentioned on the agenda of the two notices of convocation.”

1978, c. 92,
s. 68, re-
placed.

89. Section 68 of the said act is replaced by the following section:

Meeting
requested.

“68. The Chairman of the Coordinating Committee shall convoke a meeting of the Coordinating Committee within twenty days of receipt from any five members of a written request to that effect indicating the purpose of such meeting.”

1978, c. 92,
s. 73, re-
placed.

90. Section 73 of the said act is replaced by the following section:

Information
to Coordin-
ating
Committee.

“73. The parties signatory to the Agreement concerning James Bay and Northern Québec and the Naskapi Landholding Corporation shall furnish the Coordinating Committee with all information relevant to its business and functions.”

1978, c. 92,
s. 78, am.

91. Section 78 of the said act is amended:

(a) by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) recommend to Cree or Naskapi band councils, Cree village corporations, northern village corporations or to the Naskapi village corporation conservation measures applicable to Category I or I-N lands;”;

(b) by replacing subparagraph *h* of the first paragraph by the following subparagraph:

“(h) recommend such guidelines or programmes to Cree or Naskapi band councils, Cree village corporations, northern village corporations or the Naskapi Village Corporation and the Kativik Regional Government as it is necessary to adopt to control the exercise of the right to harvest.”

1978, c. 92,
s. 79, re-
placed.

92. Section 79 of the said act is replaced by the following section:

List of
species.

“79. The Government shall not change the list of species contemplated in Chapter VIII except upon the unanimous recommendation of the Coordinating Committee, and on condition that every member of the Committee appointed by the Cree Regional Authority, Makivik Corporation and the Naskapi Landholding Corporation has voted in person and not by proxy.”

1978, c. 92,
s. 80, re-
placed.

93. Section 80 of the said act is replaced by the following section:

Communi-
cation of
decisions.

“80. All decisions of the Coordinating Committee shall be communicated to the responsible body concerned, namely the Gouvernement du Québec, the Government of Canada, the Cree or Naskapi band council, the Cree village corporation, the northern village corporation or the Naskapi Village Corporation, the Cree Regional Authority or the Kativik Regional Government, for its information or so that it may implement such decision, as the case may be.”

1978, c. 92,
s. 84, am.

94. Section 84 of the said act is amended by replacing that part which precedes subparagraph *a* of the first paragraph by the following:

Regulations
regarding
wildlife.

“84. For Category I, I-N, II and II-N lands, as regards matters relating to the protection of wildlife resources, the Government may, as it does in Category III lands, make regulations respecting:”.

1978, c. 92,
s. 85, am.

95. Section 85 of the said act is amended by adding at the end the following paragraphs:

“(e) in Category IA-N lands for Naskapis, the Naskapi band council;

“(f) in Category IB-N lands for Naskapis, the Naskapi Village Corporation;

“(g) in Category II-N lands for Naskapis, the Kativik Regional Government but only to the extent of a prior recommendation received from the Naskapi Village Corporation, which recommendation binds the Regional Government.”

1978, c. 92,
s. 86, am.

96. Section 86 of the said act is amended by replacing that part which precedes subparagraph *a* of the first paragraph by the following:

Local by-laws on harvesting, hunting and fishing.

86. In the areas contemplated in section 11, in all Category IA lands for Crees, the interested band council, and in all Category IB and II lands for Crees, the interested Cree village corporation, in the areas contemplated in section 12, in all Category I and II lands for Inuit, the Kativik Regional Government, in the areas contemplated in section 13, in all Category II lands, the interested Cree village corporation in conjunction with the Kativik Regional Government, and in the areas contemplated in section 12-1, in all Category IA-N lands for Naskapis, the Naskapi band council, in all Category IB-N lands for Naskapis, the Naskapi Village Corporation and in all Category II-N lands for Naskapis, the Kativik Regional Government but only to the extent of a prior recommendation by the Naskapi Village Corporation, which recommendation binds the said Regional Government, may make by-laws specifically referring to the exercise of the right to harvest or to hunting and fishing by non-Natives, on the following matters:"

1978, c. 92, s. 90, replaced.

87. Section 90 of the said act is replaced by the following section:

Levels of harvesting.

90. Where game populations permit, the Crees and the Inuit shall be guaranteed for all wildlife species in the Territory, levels of harvesting at least equal to the levels of fish and animals which normally could have been fished, hunted, trapped, captured or killed by the Crees and the Inuit during the year 1975 and the Naskapis shall be guaranteed for all wildlife species in the Northeastern Québec region levels of harvesting based upon the density and productivity of these species in that region and on the needs of the Naskapis."

1978, c. 92, s. 91, replaced.

88. Section 91 of the said act is replaced by the following section:

Quantification.

91. For the Crees and Inuit, the quantification of the guaranteed levels contemplated in section 90 shall take place prior to 11 November 1980, or at such later date as may be fixed by the Minister. Such quantification shall take place through negotiation between the Government, the Cree Regional Authority and Makivik Corporation, at meetings of the Coordinating Committee, without the normal voting procedure applying; the Naskapi Landholding Corporation, if interested, is also a party to the negotiation in the case of the quantification of levels for caribou; these levels shall be based principally upon the results of the research entitled "Research to Establish Present Levels of Native Harvesting".

Quantification.

For the Naskapis, the quantification of these guaranteed levels shall take place in the year following a three year period

consecutive to the establishment of a permanent residence for the Naskapis for the purposes of the Northeastern Québec Agreement in Category IA-N lands. Such quantification shall take place through negotiation between the Government and the Naskapi Landholding Corporation at meetings of the Coordinating Committee, without the normal voting procedure applying; the Cree Regional Authority, if interested, and Makivik Corporation, if interested, are also a party to the negotiation in the case of the quantification of levels for caribou; these levels shall be based upon the results of a survey of the levels of Naskapi harvesting, the protocol for the carrying out of which is provided in paragraphs 15.6.3 and 15.6.4 of the Northeastern Québec Agreement.”

1978, c. 92,
s. 92, re-
placed.

99. Section 92 of the said act is replaced by the following section:

Levels of
harvesting.

“92. During the period between 14 February 1979 and 11 November 1980, interim guaranteed levels of harvesting for the Crees and Inuit shall be quantified through negotiations between the Government and the Cree Regional Authority and Makivik Corporation and shall be based principally upon the results already available of the research contemplated in section 91. Such interim guaranteed levels may be revised periodically by the Government pursuant to an agreement with the Cree Regional Authority and Makivik Corporation.

Levels of
harvesting.

During the period between 15 August 1979 and the date of expiration of the delay provided for in the second paragraph of section 91, interim guaranteed levels of harvesting for the Naskapis shall be quantified through negotiations between the Government and the Naskapi Landholding Corporation and shall be based principally upon an extrapolation of the results already obtained for the Crees, in the case of the research contemplated in the first paragraph of section 91. Such interim levels, for the Naskapis, except the level of caribou that is fixed at 600 caribou per year and cannot be changed except at the time that a guaranteed level is established in the manner provided for in the second paragraph of section 91, may be revised periodically by the Government pursuant to an agreement with the Naskapi Landholding Corporation.

Effect.

The Government shall adopt regulations to give effect to the levels negotiated in virtue of this section and section 91.”

1978, c. 92,
s. 94, am.

100. Section 94 of the said act is amended by replacing subparagraphs *d* and *e* of the first paragraph by the following subparagraphs:

“(d) controlling the development activities of non-Natives which prevent the Native people from exercising their right to harvest in Category II and II-N lands;

“(e) pursuant to negotiations with the Cree Regional Authority, Makivik Corporation and the Naskapi Landholding Corporation renewing, on its expiration, the right of first refusal contemplated in section 48.”

1978, c. 92,
ss. 100-1 to
100-3,
added.

101. The said act is amended by inserting after section 100 the following chapter, heading and sections:

“CHAPTER XVA

“TRANSITIONAL PROVISIONS

Applica-
bility.

“100-1 Until the Naskapi Landholding Corporation is legally incorporated, this chapter applies.

Naskapi
Develop-
ment Cor-
poration.

“100-2 The Naskapi Development Corporation incorporated by the Act to establish the Naskapi Development Corporation (1979, chapter 26) shall act in the place and stead of the Naskapi Landholding Corporation.

Applica-
bility.

“100-3 This act applies, *mutandis mutandis*, during the period contemplated in section 100-1.”

1978, c. 92,
Sched. 1,
repealed.

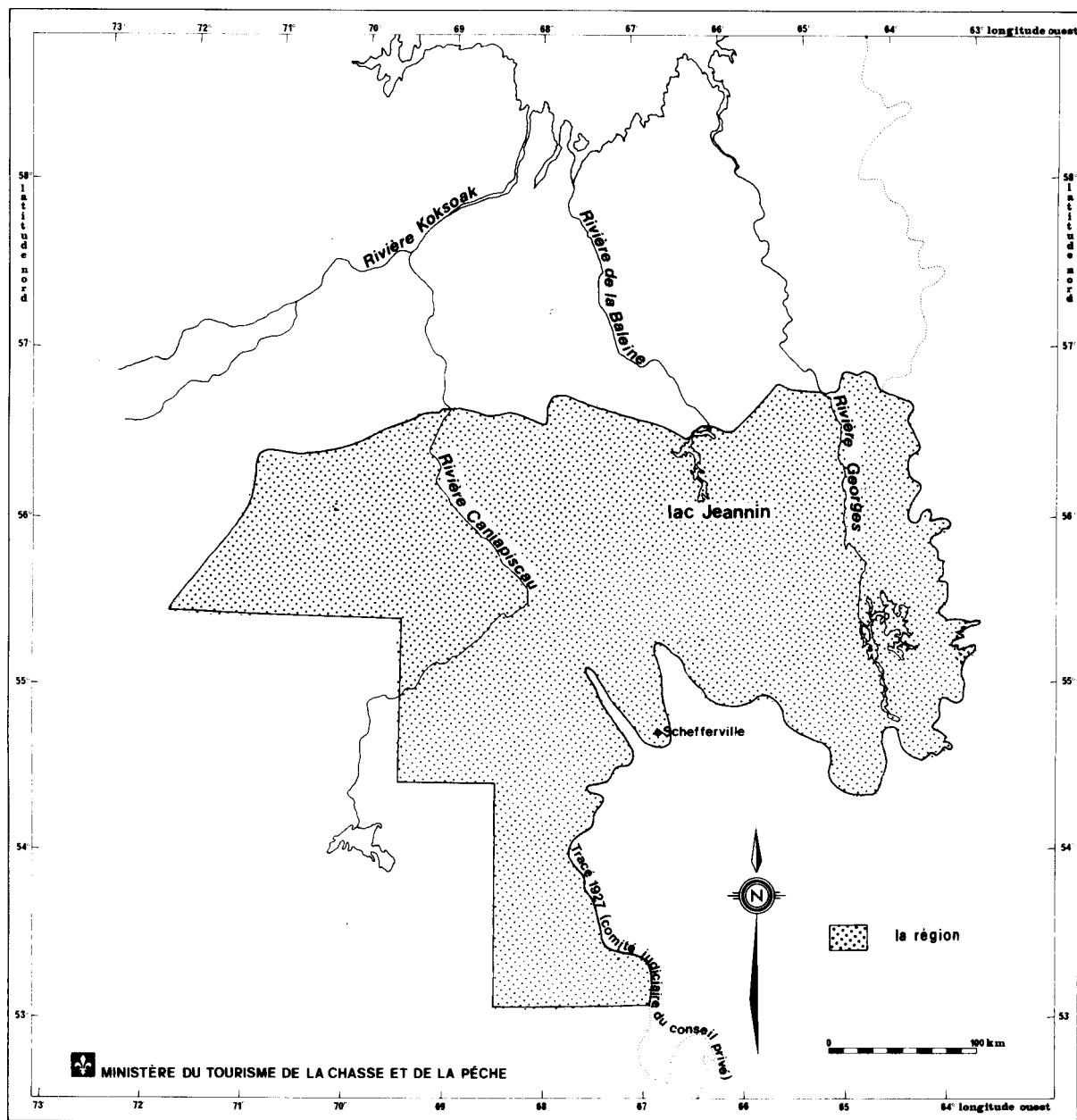
102. The said act is amended by striking out Schedule 1.

1978, c. 92,
Sched. 4 to
7, added.

103. The said act is amended by adding after Schedule 3 the following schedules:

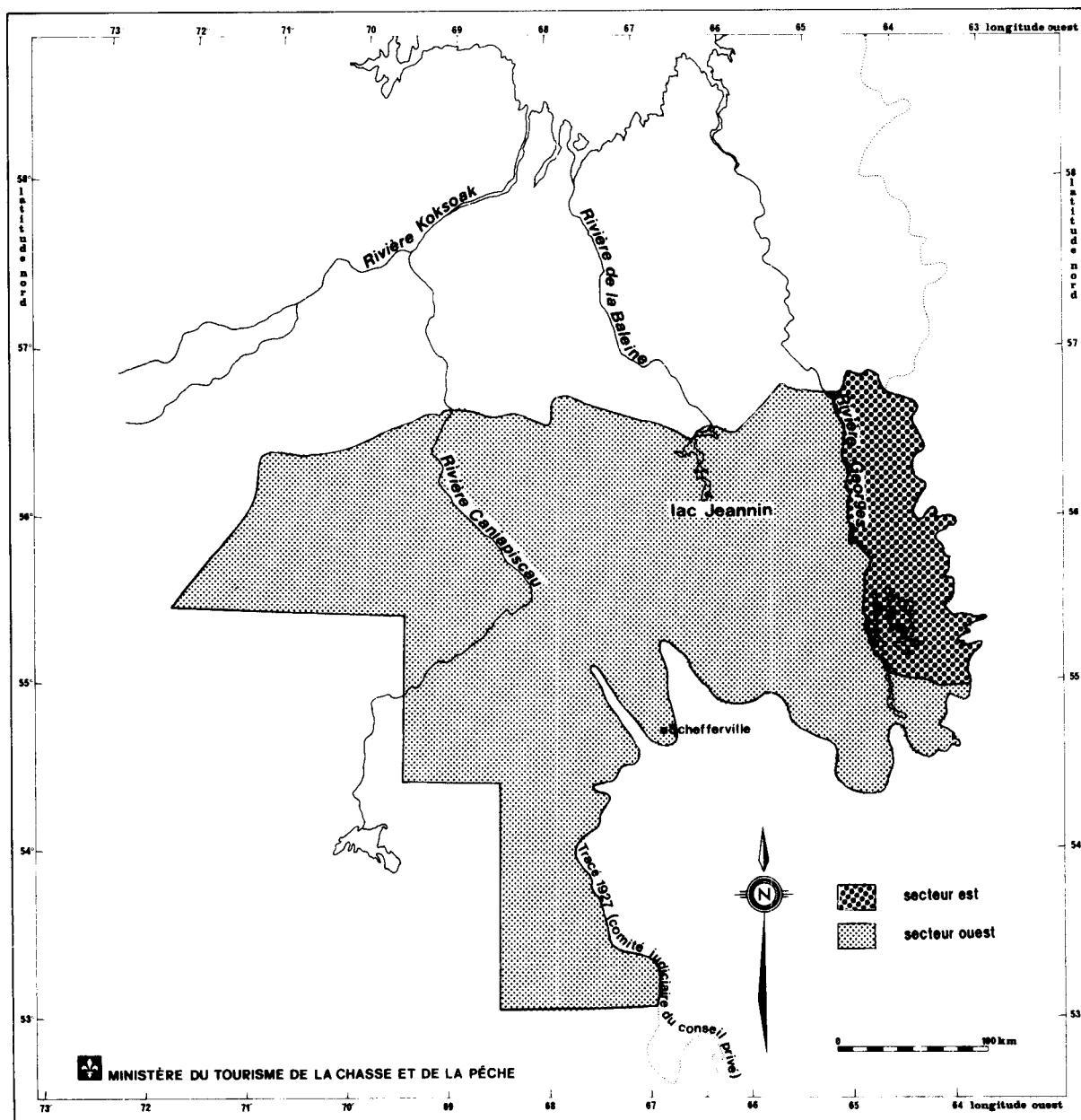
"SCHEDULE 4

"MAP SHOWING THE NORTHEASTERN QUÉBEC REGION



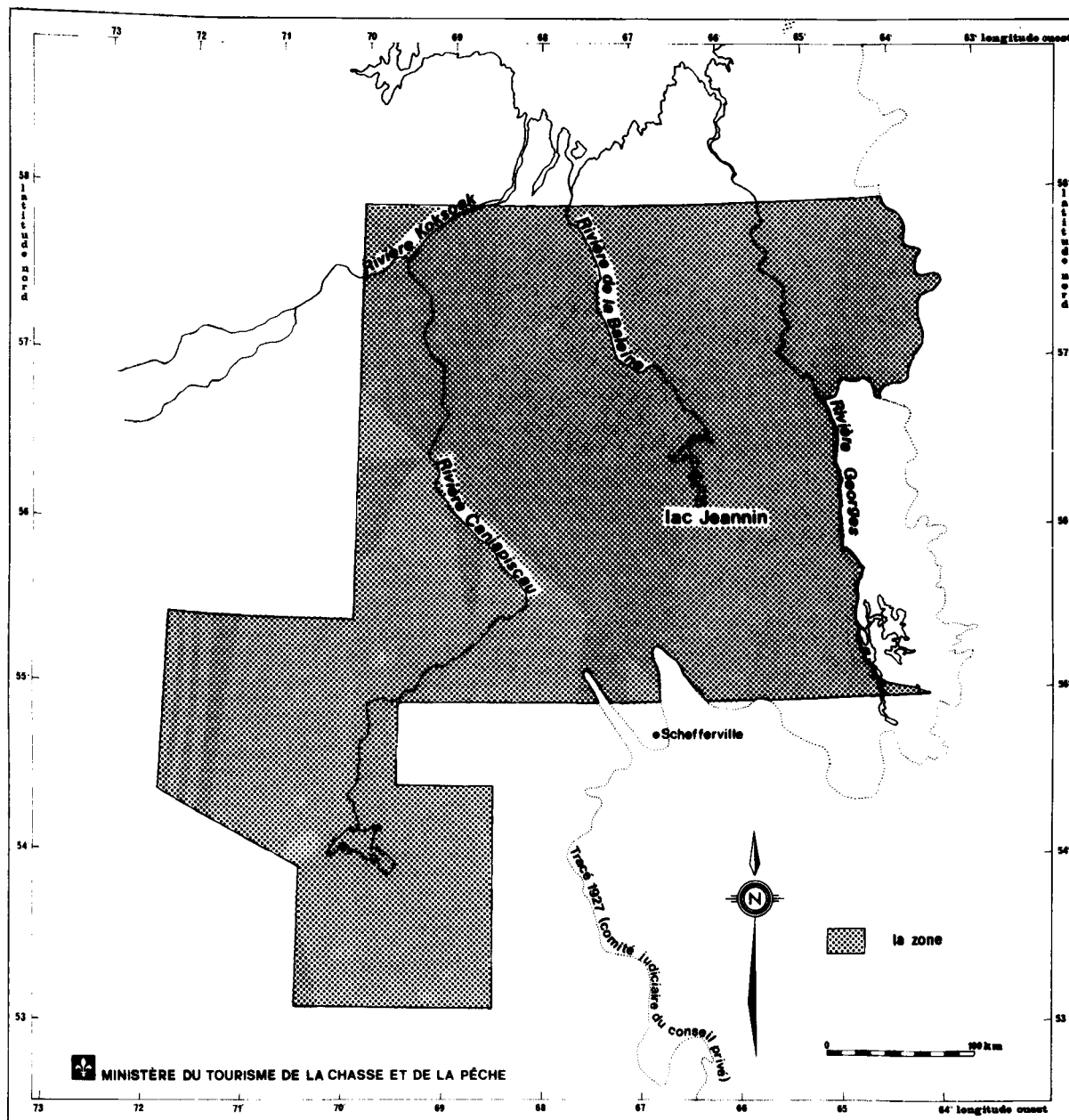
"SCHEDULE 5

"MAP SHOWING THE EASTERN SECTOR AND WESTERN SECTOR
OF THE NORTHEASTERN QUÉBEC REGION.



"SCHEDULE 6

"MAP SHOWING THE AREA RESPECTING
THE RIGHT TO HARVEST CARIBOU.



"SCHEDULE 7

"DESCRIPTION OF THE REGION OF QUÉBEC
CONTEMPLATED IN SECTION 53-1

"Starting from a point situated at the meeting of the left shore of Manereuille Lake and of the left bank of la Baleine River; thence in a general northwesterly direction following the left bank of the said river to the north shore of Ninawawe Lake, skirting by the west the shore of Jeannin Lake; thence in a general easterly direction following the north shore of Ninawawe Lake, the north bank of the effluent of Guérard Lake, the north shore of the lakes situated between Guérard and Coiffier lakes, northeasterly, a line joining the eastern extremity of Coiffier Lake to the mouth of Slippery Brook on George River, the north bank of Slippery Brook and the north shore of the first lake formed by the enlargement of the said brook, thence southeasterly a line joining the north shore of the first lake formed by the enlargement of Slippery Brook and the south shore of Brisson Lake; thence southwesterly a line joining the south shore of Brisson Lake to a point on the De Pas River where the said river running from the south to the north changes direction to run from the west to the east; thence in a general southerly direction, following the right bank of De Pas River to a westerly line joining the right bank of De Pas River to the starting point."

1972, c. 49,
s. 31*f*, am.

104. Section 31*f* of the Environment Quality Act (1972, chapter 49), enacted by section 10 of chapter 64 of the statutes of 1978, is amended by adding, at the end, the following paragraph:

Provision
not applic-
able.

“This section does not apply to the territory contemplated in the second paragraph of section 31*i*. The Lieutenant-Governor in Council may, however, by way of exception for reasons of national defense or state security or for any other reason of public interest, exempt a project, wholly or partly, from the environmental impact assessment and review procedure applicable in this territory.”

1972, c. 49,
s. 31*i*, am.

105. Section 31*i* of the said act, enacted by section 10 of chapter 64 of the statutes of 1978, is amended by adding, at the end, the following paragraphs:

Regula-
tion.

“The Lieutenant-Governor in Council may also make regulations respecting the matters contemplated in the first paragraph, which will apply only to the territory bounded on the west by the 69th meridian, on the north by the 55th parallel, on the south by the 53rd parallel and on the east by the eastern boundary contemplated in the Québec boundaries extension acts of 1912 (II George V, chapter 7) and Statutes of Canada (II George V, chapter 45).

Amend-
ment.

After adoption, a regulation enacted pursuant to subparagraph *a* of the first paragraph and applicable only to the territory contemplated in the second paragraph, may be amended following consultation with the Naskapi Village Corporation contemplated in paragraph 7-1 of section 166.”

1972, c. 49,
s. 166, am.

106. Section 166 of the said act, enacted by section 4 of chapter 94 of the statutes of 1978, is amended:

(a) by replacing paragraph 6 by the following paragraph:

“Agree-
ment”;

“6. “Agreement” means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46), as well as Complementary Agreements Nos. 1 and 3 tabled in the Assemblée nationale, 18 April 1978, as Sessional Papers, No. 114;”;

(b) by inserting, after paragraph 7, the following paragraph:

“Naskapi
Village
Corpora-
tion”;

“(7-1) “Naskapi Village Corporation” means the Corporation of the Naskapi Village of Schefferville incorporated under the Cree Villages Act (1978, chapter 88);”;

(c) by inserting, after paragraph 10, the following paragraph:

“Naskapi”;

“(10-1) “Naskapis” means the Naskapi beneficiaries, within the meaning of the Act respecting Cree, Inuit and Naskapi Native persons (1978, chapter 97);”.

1972, c. 49,
s. 167, re-
placed.

107. Section 167 of the said act, enacted by section 4 of chapter 94 of the statutes of 1978, is replaced by the following section:

Interpre-
tation.

“167. In this chapter, the mention of a category of lands, namely, Category I, IA, IA-N, IB, IB-N, II, II-N or III, refers to lands delimited according to the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter 93).”

1972, c. 49,
s. 170, am.

108. Section 170 of the said act, enacted by section 4 of chapter 94 of the statutes of 1978, is amended by replacing the second paragraph by the following paragraph:

Member
ex officio.

“In addition, the Chairman of the Hunting, Fishing and Trapping Coordinating Committee, appointed under section 60 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (1978, chapter 92) is a member *ex officio* of the Advisory Committee. However, where, under section 60 of the said act, the Chairman of the said Coordinating Committee is appointed by the Makivik Corporation contemplated in the Act to establish the Makivik Corporation (1978, chapter 91), the Second Vice-Chairman is a member *ex officio* of the Advisory Committee.”

1972, c. 49,
s. 217, am.

109. Section 217 of the said act, enacted by section 4 of chapter 94 of the statutes of 1978, is amended by replacing the second paragraph by the following paragraph:

Appoint-
ments.

“The Lieutenant-Governor in Council appoints and replaces, at his pleasure, five members of the Commission, among whom he designates the chairman. The appointment of the chairman must, however, be approved by the Kativik Regional Government, which appoints and replaces, at its pleasure, four other members, two of them at least being Inuit residing in the territory contemplated in section 203, or one being an Inuk residing in the said territory and the other being either a Naskapi also residing in the said territory or on Category IA-N lands or a mandatary of the Naskapis designated by the Naskapi Village Corporation.”

1972, c. 49,
s. 221, am.

110. Section 221 of the said act, enacted by section 4 of chapter 94 of the statutes of 1978, is amended by replacing paragraph *a* by the following paragraph:

“(a) the protection of the hunting, fishing and trapping rights of the Inuit and of the Naskapis in the territory described in section 203, as well as their other rights in the said territory, with regard to any activity connected with projects affecting the said territory;”

1972, c. 49,
s. 227, am.

111. Section 227 of the said act, enacted by section 4 of chapter 94 of the statutes of 1978, is amended by inserting, after the first paragraph, the following paragraphs:

Information to the Naskapi Village Corporation.

“In the case where no Naskapi or mandatary of the Naskapis is a member of the Commission when the latter is preparing to exempt a proposed project on Category IB-N or II-N lands from the assessment and review procedure, the Commission must transmit the preliminary information contemplated in section 225 to the Naskapi Village Corporation, which may submit its recommendations to the Commission.

Decision.

The Commission may make the decision contemplated in the second paragraph after the expiry of twenty days following the date on which the Naskapi Village Corporation received the preliminary information or following its reception of the latter's recommendations, whichever occurs first.”

1972, c. 49,
s. 227-1,
added.

112. The said act is amended by inserting, after section 227, the following section:

“227-1 Where the Commission decides, pursuant to section 227, to subject a proposed project on Category IB-N or II-N lands to the assessment and review procedure, it shall inform the Naskapi Village Corporation thereof.”

1972, c. 49,
s. 235, am.

113. Section 235 of the said act, enacted by section 4 of chapter 94 of the statutes of 1978, is amended:

(a) by inserting, after the first paragraph, the following paragraphs:

Impact study transmitted to the Naskapi Village Corporation.

“In the case where no Naskapi or mandatary of the Naskapis is a member of the Commission at the time the latter is preparing to make the decision contemplated in the first paragraph, regarding a proposed project on Category IB-N or II-N lands, the Commission must transmit a copy of the impact study to the Naskapi Village Corporation for comment before making that decision.

Decision.

In the case contemplated in the second paragraph, the Commission may make its decision after the expiry of thirty days following the date on which the Naskapi Village Corporation received a copy of the impact study or following its reception of the latter's recommendation, whichever occurs first.

Extension.

The Commission may extend the period contemplated in the third paragraph where the nature or importance of the project justifies it and to the extent that the additional period does not prevent it from transmitting its decision within the period prescribed under the fifth paragraph.”;

(b) by replacing the third paragraph by the following paragraphs:

Delays. “The delays contemplated in the fifth paragraph run from the date on which the Director informs the Commission that the file on such project is complete, in accordance with the second paragraph of section 231.

Transmission of decision. Finally, the Commission shall transmit a copy of its decision to the Naskapi Village Corporation in the case contemplated in the second paragraph.”

1972, c. 49,
s. 236, am. **114.** Section 236 of the said act, enacted by section 4 of chapter 94 of the statutes of 1978, is amended by adding, at the end, the following paragraph:

Transmission of decision. “The Director also transmits a copy of the said decision to the Naskapi Village Corporation in the cases contemplated in the second paragraph of section 235.”

1972, c. 49,
s. 243, am. **115.** Section 243 of the said act, enacted by section 4 of chapter 94 of the statutes of 1978, is amended by replacing the third paragraph by the following paragraph:

Reduction of negative impact. “In addition, the proponents of such projects shall implement the reasonable mitigating measures required to minimize the negative impacts of such projects on the hunting, fishing and trapping activities of the Crees, the Inuit and the Naskapis.”

1978, c. 88,
title, replaced. **116.** The title of the Cree Villages Act (1978, chapter 88) is replaced by the following title:

“An Act respecting the Cree villages and the Naskapi Village”.

1978, c. 88,
s. 1, am. **117.** Section 1 of the said act is amended:

(a) by replacing paragraph 2 by the following paragraphs:

“Cree Band”; “(2) “Cree Band” means any of the bands within the meaning of the Indian Act (Revised Statutes of Canada, 1970, chapter I-6) of Fort George, Old Factory, Rupert House, Waswanipi, Mistassini, Nemaska, Great Whale River and Eastmain, until its incorporation as the corporation provided for in Section 9 of the Agreement and, thereafter, the said corporation;

“Naskapi Band”; “(2-1) “Naskapi Band” means the band, within the meaning of the Indian Act, known as the Naskapis de Schefferville, until its incorporation as the corporation provided for in section 7 of the Northeastern Québec Agreement and, thereafter, the said corporation;”;

(b) by inserting, after paragraph 4, the following paragraph:

"Naskapi
Community";

"(4-1) "Naskapi community" means the collectivity composed of all the Naskapis enrolled or entitled to be enrolled in the Naskapi register in accordance with the Act respecting Cree, Inuit and Naskapi Native persons (1978, chapter 97);";

(c) by replacing paragraph 6 by the following paragraphs:

"Agreement";

"(6) "Agreement" means the Agreement described in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46), as well as Complementary Agreements Nos. 1 and 3 tabled in the Assemblée nationale, 18 April 1978, as Sessional Papers, No. 114;

"North-eastern
Québec
Agreement";

"(6-1) "Northeastern Québec Agreement" means the Agreement contemplated in section 1 of the Act approving the Northeastern Québec Agreement (1978, chapter 98);";

(d) by replacing paragraph 8 by the following paragraph:

"officer or
employee
of the
corporation";

"(8) "officer or employee of the corporation", "officer or employee of the municipal corporation", "officer or employee of the municipality", "officer of the council", "officer of the municipality" or "municipal officer" means any officer or employee of the corporation, excluding the members of the council;";

(e) by replacing paragraph 11 by the following paragraph:

"member
of the corporation";

"(11) "member of the corporation" means each of the members of a community incorporated as a Cree village corporation by this act or each of the members of the Naskapi community incorporated by this act as the Naskapi Village Corporation of Schefferville;";

(f) by replacing paragraph 12 by the following paragraph:

"member
of the
council";

"(12) "member of the council" means the mayor and any of the councillors of a corporation;";

(g) by replacing paragraph 14 by the following paragraph:

"municipality",
"corporation",
"city",
"town";

"(14) "municipality", "corporation", "city" and "town" mean, according to the context, a Cree village municipality or corporation, or the Municipality or Corporation of the Naskapi Village of Schefferville, incorporated by this act;";

(h) by inserting, after paragraph 15, the following paragraph:

"Naskapi";

"(15-1) "Naskapi" means a Naskapi beneficiary within the meaning of the Act respecting Cree, Inuit and Naskapi Native persons (1978, chapter 97);";

(i) by replacing paragraph 21 by the following paragraph:

"municipal
services";

"(21) "municipal services" means water, sewer, fire protection, recreation, cultural activities, roads, garbage removal

and disposal, lighting, heating, power and snow removal services furnished by a corporation;”;

(j) by replacing paragraph 22 by the following paragraph:

“tax”;

“(22) “tax”, in addition to its ordinary meaning, includes any cost distribution, contribution or compensation imposed by a corporation pursuant to this act;”;

(k) by replacing paragraph 23 by the following paragraph:

“Category I lands”,
“Category IA lands”,
“Category IB lands”,
“Special Category IB lands”,
“Category I-N lands”,
“Category IA-N lands”,
“Category IB-N lands”.

“(23) “Category I lands”, “Category IA lands”, “Category IB lands”, “Special Category IB lands”, “Category I-N lands”, “Category IA-N lands” and “Category IB-N lands” mean the lands so designated and described by virtue of the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter 93) or, in the meantime, by virtue of the Act respecting Cree, Inuit and Naskapi Native persons (1978, chapter 97).”

1978, c. 88,
title of
Div. II,
replaced.

118. The title of Division II of the said act is replaced by the following title:

“INCORPORATION OF THE CREE VILLAGE MUNICIPALITIES
AND CORPORATIONS
AND OF THE NASKAPI VILLAGE CORPORATION
AND MUNICIPALITY”.

1978, c. 88,
s. 9-1,
added.

119. The said act is amended by inserting, after section 9, the following section:

“Municipality of the Naskapi Village of Schefferville”.

§-1 The Category IB-N lands shall form a municipality under the name of “Municipalité du village naskapi de Schefferville”. The municipality may also be designated under the name, in Naskapi, of “WITTANATCH ATEEGETAGOUCH NASKAPI IPOOWIN” and under the name, in English of “Municipality of the Naskapi Village of Schefferville”.

“Corporation of the Naskapi Village of Schefferville”.

The members of the Naskapi community shall constitute a municipal corporation under the name of “Corporation du village naskapi de Schefferville”. The corporation may also be designated under the name, in Naskapi, of “NASKAPI IPOOWIN WEESHOOWOWNITCH KAEETTISTATCH” and under the name, in English of “Corporation of the Naskapi Village of Schefferville”.

1978, c. 88,
s. 12, am.

120. Section 12 of the said act is amended by replacing the first paragraph by the following paragraph:

Change of
name.

“12. The Government may, upon request of the council of any corporation, grant letters patent to change its name and that

of the municipality over which it has jurisdiction. Such change of name made by letters patent shall have the same force and effect as if it had been effected by an act."

1978, c. 88,
s. 13, re-
placed.

121. Section 13 of the said act is replaced by the following section:

Council.

"13. The corporation shall be represented and its affairs administered by its council."

1978, c. 88,
s. 14, am.

122. Section 14 of the said act is amended:

(a) by replacing the first two paragraphs by the following paragraphs:

Composi-
tion.

"14. The council of a Cree village corporation shall be composed of the persons exercising the offices of members of the council of the Cree Band having jurisdiction over the Category IA lands intended for the community, the members of which constitute the corporation. The council of the Naskapi Village Corporation shall be composed of the persons exercising the offices of members of the council of the Naskapi Band having jurisdiction over the Category IA-N lands intended for the Naskapi community, the members of which constitute the corporation."

Mayor and
acting
mayor.

The chief and acting chief of the Cree or Naskapi Band shall be, respectively, the mayor and the acting mayor of the corporation."

(b) by adding, at the end, the following paragraphs:

Residence
of mem-
bers.

"In the case of the council of the Naskapi Village Corporation, a person referred to in the first paragraph may be a member of the council only if he resides on Category I-N lands. If he ceases to reside on those lands during his term of office, he shall remain in office until the expiry of that term.

Vacancies.

The members of the council of the Naskapi Village Corporation must fill any vacancy resulting from the application of the fourth paragraph by appointing a person residing on Category I-N lands. If necessary, they shall designate the mayor or acting mayor from among their own number."

1978, c. 88,
s. 15, am.

123. Section 15 of the said act is amended by replacing the first paragraph by the following paragraph:

Provisional
adminis-
trator.

"15. If the council cannot be formed in accordance with the first paragraph of section 14, the Minister, at the request of the interested Cree or Naskapi community, may name a provisional

administrator and fix his salary, which shall be paid by the corporation."

1978, c. 88,
s. 16, am.

124. Section 16 of the said act is amended by replacing the first two paragraphs by the following paragraphs:

Sittings.

"**16.** The place of sittings of the council shall be within Category I lands intended for the interested community or within Category I-N lands intended for the Naskapi community, as the case may be, as determined from time to time by a resolution of the council.

Sittings.

Until the place of sittings of the council has been so determined, the council shall sit at the place where the meetings of the council of the interested Cree or Naskapi Band are held."

1978, c. 88,
s. 17, re-
placed.

125. Section 17 of the said act is replaced by the following section:

Agree-
ments
with the
Govt of
Canada.

"**17.** Notwithstanding the Intergovernmental Affairs Department Act (1974, chapter 15), the corporation may, by a by-law of its council previously approved by the Gouvernement du Québec, enter into agreements with respect to the exercise of its powers with the Government of Canada or one of its bodies, or with a Cree or Naskapi Band."

1978, c. 88,
s. 18, am.

126. Section 18 of the said act is amended by replacing the second paragraph by the following paragraph:

Agree-
ments with
the Kativik
Regional
Govern-
ment.

"In the same manner, the Corporation of the Cree Village of Great Whale River and the Naskapi Village Corporation may also enter into such an agreement with the Kativik Regional Government established by the Act respecting Northern villages and the Kativik Regional Government (1978, chapter 87)."

1978, c. 88,
s. 20, am.

127. Section 20 of the said act is amended by replacing the first paragraph by the following paragraphs:

Agree-
ments
with the
Cree
Regional
Authority.

"**20.** The corporation may, as well, by a by-law of its council previously approved by the Minister, enter into an agreement with the Cree Regional Authority by which it delegates to the latter the establishment of a municipal service which the corporation has decided to establish, the administration of a municipal service established by the corporation or the coordination of such a service with any service or programme of another corporation or of a Cree or Naskapi Band.

Agree-
ments with
the Kativik
Regional
Govern-
ment.

The Naskapi Village Corporation may also, in the same manner, enter into such an agreement with the Kativik Regional

Government. If that agreement concerns the coordination of a municipal service, that coordination is made with a service or programme of the Kativik Regional Government itself or of a municipal corporation under its jurisdiction."

1978, c. 88,
s. 21, am.

128. Section 21 of the said act is amended by replacing subparagraph *b* of the third paragraph by the following subparagraph:

"(b) they in no way restrict a development, which is under way or which is to take place outside of the municipality, and which complies with the applicable laws and regulations; the word "development" has the same meaning as in the Agreement in the case of a by-law of a Cree village corporation, or as in the Agreement and the Northeastern Québec Agreement in the case of a by-law of the Naskapi Village Corporation."

1978, c. 88,
s. 22, re-
placed.

129. Section 22 of the said act is replaced by the following section:

Applica-
bility of
Cities and
Towns
Act.

"22. Subject to this act, every municipality is governed by the Cities and Towns Act (Revised Statutes, 1964, chapter 193) as it existed on 28 June 1978.

Presump-
tion.

For the application of this section, sections 21 and 22 of chapter 52 of the statutes of 1977 are deemed to be in force as of 28 June 1978.

1978, c. 88,
s. 24, re-
placed.

130. Section 24 of the said act is replaced by the following section:

Presump-
tion.

"24. The provisions of the Cities and Towns Act applicable to a municipality, as amended or replaced by this act, as the case may be, are deemed an integral part of this act with respect to that municipality."

1978, c. 88,
s. 29, re-
placed.

131. Section 29 of the said act is replaced by the following section:

R.S.
c. 198,
s. 28, re-
placed for
the munic-
ipality.

"29. Section 28 of the said act is replaced for the municipality by the following:

Jurisdic-
tion.

"28. The corporation has jurisdiction for municipal and police purposes and for the exercise of all the powers conferred upon it, over the whole of the municipality and also beyond it in special cases where more ample authority is conferred upon it.

Cree
village
corpora-
tion.

A Cree village corporation also has jurisdiction on the lands situated within the perimeter of the municipality which, before 11 November 1975, had been ceded by letters patent to a person other than a Cree or which on this date were owned by such a person.

Naskapi
Village
Corpora-
tion.

The Naskapi Village Corporation also has jurisdiction on the lands situated within the perimeter of the municipality which, before 31 January 1978, had been ceded by letters patent to a person other than a Naskapi or which on this date were owned by such a person.””

1978, c. 88,
s. 31, re-
placed.

132. Section 31 of the said act is replaced by the following section:

R.S.,
c. 93,
s. 54a, re-
placed for
the munic-
ipality.

Acting
mayor.

“31. Section 54a of the said act is replaced for the municipality by the following:

“54a. The acting mayor shall have and exercise the powers of the mayor when the mayor is absent from the Category I lands intended for the Cree community concerned, or from the Category I-N lands intended for the Naskapi community, as the case may be, or when he refuses or is unable to perform the duties of his office.””

1978, c. 88,
s. 32, re-
placed.

133. Section 32 of the said act is replaced by the following section:

R.S.,
c. 193,
s. 61, re-
placed for
the munic-
ipality.

Provisional
adminis-
trator.

“32. Section 61 of the said act is replaced for the municipality by the following:

“61. In the case of refusal to act by the majority of the council, the Minister, at the request of the interested Cree or Naskapi community, may appoint a provisional administrator and fix his salary, which is paid by the corporation.

Duties.

This administrator shall take the place of the council and the mayor of the corporation, and of any official or employee of the same whose appointment is provided for in this act, if the said official or employee has not already been appointed.

Mandate.

His mandate terminates when that refusal to act ceases.

Appoint-
ment of
members
of the
council.

Instead of appointing a single provisional administrator, the Minister may appoint to this office the members of the council who do not refuse to act. He shall accordingly determine the place, the time and the frequency of the meetings of the provisional administrators, the rules governing the manner in which they may make a joint decision, and such other rules with respect to the conduct of their activities as he deems advisable.””

1978, c. 88,
s. 33, re-
placed.

134. Section 33 of the said act is replaced by the following section:

R.S.,
c. 193,
s. 62, re-
placed for
the munic-
ipality.

“33. Section 62 of the said act is replaced for the municipality by the following:

Oath. "62. No person may act as mayor or councillor until he has taken the oath of office in accordance with the form provided in this section.

Entry. If the oath of office is taken during a sitting of the council before the clerk, an entry of the taking of such oath shall be made in the minute book of the council.

Certificate. If the oath is taken at any other time, the certificate of oath must be tabled during the next sitting of the council in order that it may become part of the records, and mention of this tabling shall be made in the minute book of the council. The certificate of any oath of office which has taken place before the first meeting of the council must be sent to the Minister by registered or certified mail, within five days of the taking of this oath, by the person who has taken it.

Refusal to act. A member of the council who has not taken the oath of office within thirty days following the latest of the dates mentioned below is deemed to have refused to act within the meaning of section 61:

(a) the date upon which he was elected or appointed a member of the council of the Cree Band having jurisdiction over the Category IA lands intended for the Cree community concerned, or a member of the council of the Naskapi Band having jurisdiction over the Category IA-N lands intended for the Naskapi community, as the case may be,

(b) the date upon which he was appointed a member of the council of the corporation in accordance with the fifth paragraph of section 14 of the Act respecting the Cree villages and the Naskapi Village (1978, chapter 88), or

(c) the date on which the corporation was incorporated.

"FORM

"Oath of Office

"I, the undersigned,(surname, given names, occupation), domiciled at(place), duly sworn on the Holy Gospels (*Omit this phrase in making a solemn affirmation*), solemnly swear (*or affirm*) that I will act in my capacity as(designation of office) faithfully and in accordance with the law, without partiality, fear, favour or affection. So help me God! (*Omit the final invocation in making a solemn affirmation.*)

I, the undersigned,(surname, given names, occupation), domiciled at(place), hereby certify that the person designated above took the oath (*or made the solemn affirmation replacing the oath of office*) of office

before me, on the Holy Gospels, at(place),
this(day, month, year).

Signed:” ”

1978, c. 88,
s. 38, re-
placed.

135. Section 38 of the said act is replaced by the following section:

R.S.,
c. 193,
s. 76, re-
placed for
the munic-
ipality.

“38. Section 76 of the said act is replaced for the municipal-
ity by the following:

Absence or
death of
officer or
employee.

“76. If any officer or employee of the corporation be absent
from the Category I lands intended for the Cree community con-
cerned or absent from the Category I-N lands intended for the
Naskapi community, as the case may be, or should he die, his rep-
resentatives or heirs shall, within one month from his death or
absence, deliver, to the mayor or to the office of the council, the
moneys, keys, books, papers, objects, documents, records, and
other things belonging to the council, and which he had in charge
or in use in the execution of the office so held by him.” ”

1978, c. 88,
s. 47.

136. Section 47 of the said act is replaced by the following
section:

R.S.,
c. 193,
s. 366, re-
placed for
the munic-
ipality.

“47. Section 366 of the said act is replaced for the munici-
pality by the following:

Represent-
ation by
an agent.

“366. Every person having a right to receive a notice and
who is not within the Category I lands intended for the Cree com-
munity concerned or is not within the Category I-N lands intended
for the Naskapi community, as the case may be, may, by a special
notice filed in the office of the council, appoint an agent residing
within this territory to represent him for purposes connected with
the service of municipal notices.” ”

1978, c. 88,
s. 55, re-
placed.

137. Section 55 of the said act is replaced by the following
section:

R.S.,
c. 193,
ss. 399-
410, re-
placed for
the munic-
ipality.

“55. Sections 399 to 410 of the said act are replaced for the
municipality by the following sections:

Approval
of mem-
bers of
the corpo-
ration and
of resi-
dents.
Date of the
poll;

“399. When a by-law is submitted for the approval of the
members of the corporation and of the residents of the munici-
pality, the vote shall be taken by ballot in the following manner:

(a) the council shall fix the date or dates and the place of the
poll, as well as the hours during which it will take place; the coun-
cil may decide that the poll shall last only one day, or two days,

consecutive or not, which shall be within a period of seven consecutive days; the date of the poll, or the first of the dates of the poll, as the case may be, shall not be later than 90 days from the date of the passing of the by-law by the council; the poll shall not open before seven o'clock in the morning and the poll shall last not less than ten hours nor more than twelve consecutive hours; the place of the poll must be fixed at a place of easy access situated within the Category I lands intended for the Cree community concerned or within the Category I-N lands intended for the Naskapi community, as the case may be;

Notice to
persons
qualified to
vote;

(b) at least fifteen days before the day, or the first day, as the case may be, fixed for the poll, the clerk shall give public notice calling upon the persons whose consent is required and who are qualified to vote; this notice shall indicate the date, or the dates, as the case may be, the place and the hours at which the poll will be held, as determined under paragraph a;

Notice to
corpora-
tions;

(c) at least seven days before the day, or the first day, as the case may be, fixed for the poll, the clerk shall give public notice to the corporations, commercial partnerships and associations whose approval is required, informing them of the provisions of paragraph d;

Vote of cor-
porations;

(d) any corporation, commercial partnership or association whose approval is necessary shall only have one vote; it shall vote through a representative appointed by resolution of its board of directors; this representative must, at the time of voting, comply with the requirements of paragraph g, and must, as well, be an employee, a director or a member of the corporation, commercial partnership or association in whose name he votes; the resolution referred to in this paragraph must be filed at the office of the clerk at least three days before the date fixed for the poll; this resolution shall be valid so long as it has not been replaced by another resolution for the same purposes;

Presiding
officer;

(e) the poll shall be presided over by the clerk of the corporation or by any other person named for that purpose by the council;

Secret
ballot;

(f) the vote shall be taken by secret ballot;

Qualifica-
tions;

(g) the natural persons whose approval is required, as well as the representatives of corporations, commercial partnerships and associations must, in order to be able to vote, be of age, be Canadian citizens and have no legal incapacity;

Ballot
paper;

(h) the following shall be printed on the ballot papers used for the poll, in the French language, and, if the council deems it advisable, in any other language:

Êtes-vous en faveur du règlement numéro?	1 OUI
	2 NON

Voting; (i) the vote on the question submitted shall be given:

(1) if in the affirmative, by marking on the ballot paper, with a black lead pencil, a cross in the space marked "oui";

(2) if in the negative, by marking on the ballot paper, with a black lead pencil, a cross in the space marked "non";

Counting votes; (j) at the close of the poll, the clerk or the person presiding thereat, as the case may be, shall proceed to count the ballots and make a list of them, counting and separating the yeas and the nays; except where otherwise provided by act or regulation, if a counting of the ballots shows a majority of affirmative votes, the by-law shall be deemed to be approved by those persons qualified to vote; in the event of a tie in the vote, the mayor shall give the casting vote; such list shall be certified by the clerk or by the person presiding thereat, as the case may be, and must declare whether the by-law has been approved or disapproved, with the necessary particulars; such list shall be laid before the council at the next sitting; the poll-book and the list of the votes shall be deposited in the archives of the corporation;

Expenses. (k) the expenses incurred by the holding of the poll shall be borne by the corporation.

Approval of only the members of the corporation. **"400.** When a by-law is submitted for the approval of only the members of the corporation, the vote shall be taken according to the manner which the council may determine by by-law." "

1978, c. 88,
s. 60, re-
placed. **138.** Section 60 of the said act is replaced by the following section:

R.S.,
c. 198,
s. 429, am.
for the munic-
ipality. **"60.** Section 429 of the said act is amended for the municipality:
(a) by replacing paragraph 1 by the following paragraph:

Streets; **"(1)** To order the opening of new streets, the closing, widening, extension or changing of existing streets; the streets shall have a width of at least 12 metres, but, in exceptional cases, the council may obtain from the Minister permission to open and maintain a road of lesser width, but not less than 9 metres; the by-law ordering the closing of one or of several streets must

provide for the indemnity, if there be occasion therefor, and shall be subject to the approval of the Commission municipale du Québec before coming into force;

Costs; To prescribe the manner of making and maintaining the streets of the municipality wholly or partly at the expense of the corporation or of the occupants of adjoining lots, as the council may deem expedient, according to such plans and on such conditions as it may deem advisable. The costs of construction or of maintenance at the expense of the occupants of adjacent lots shall be apportioned equally among them by the council and shall be imposed and recovered as a special tax;

Alienation or reallocation of roadbed. The council may, without indemnity, alienate in accordance with paragraph 2 of subsection 1 of section 26, or reallocate to any purpose within its competence, the bed of a road closed pursuant to this paragraph, notwithstanding any restriction regarding the use or destination of such land imposed by a contractual or other stipulation;";

(b) by replacing paragraph 3 by the following paragraph:

Sidewalks; "(3) To oblige the occupants of lands situated on any road, street, square or public way, established in the municipality, to make and maintain in front of the land which they occupy, or on the opposite side of the street or road, sidewalks of wood, stone, or other material, either throughout the whole municipality or only through a part thereof; and to determine the manner of making and maintaining such sidewalks, and even make and maintain them at the expense of the corporation or at the expense of the occupants of the abutting land or of the occupants of the land on the other side of the street, or of the occupants of land in part of the municipality; the cost of construction or of maintenance at the expense of the occupants of lands are apportioned equally among them by the council and shall be imposed and recovered as a special tax;";

(c) by replacing paragraph 8 by the following paragraph:

Master plan; "(8) To order the making of a master plan of the territory or of any portion of the territory of the municipality, specifying the purposes for which each portion of the territory included in the plan may be used;

Amendment; To enact that such master plan shall become obligatory, to amend or repeal the same; such by-law shall require the same approval as that mentioned in paragraph 1 of section 426;

Streets; To regulate the laying of the public or private streets and the lanes or public places upon lands which the owners are subdividing into building lots; to prohibit such subdivisions and laying out of streets as well as lanes or public places which do

not coincide with the master plan of the municipality and to compel the owners of private streets and lanes to indicate, in the manner stipulated by the council, that the same are private;

Laying out; To prescribe, according to the topography of the ground and the use for which they are intended, the manner of laying out public or private streets and lanes, the distance to be left between them and their width if it is to exceed 12 metres;

Plan; To compel the owner of any land to submit previously to the council of the municipality or to an officer or employee designated for such purpose by the council, any plan dividing or redividing such land or amending or cancelling the book of reference of a subdivision, whether such plan provides for streets or not, and to obtain from the council or the officer or employee concerned a subdivision permit;

Fees; To establish a tariff of fees payable for the issuance of such subdivision permit;

Joint master plan; To enact in concert with the councils of other interested municipal corporations or interested Cree and Naskapi bands, the preparation of a joint master plan of the territory or a part of the territory of each of such corporations or bands;

Amendment; To render such plan obligatory within the municipality, as regards the portion which concerns it, to modify or to amend the same in concert with the councils of the other interested municipal corporations or interested Cree and Naskapi bands, wholly or in part; such by-law shall require the same approval as that mentioned in paragraph 1 of section 426;

Subdivision permit; To compel the owner of any land to submit previously any plan dividing or redividing such land or amending or cancelling the book of reference of a subdivision, whether such plan provides for streets or not, to a joint committee created for such purpose by the municipal corporations or the Cree or Naskapi bands interested in the joint master plan, and to obtain from the said committee a subdivision permit;

Fees; To establish a tariff of fees payable for the issue of such subdivision permit;”;

(d) by replacing paragraph 36 by the following paragraph:

Trees; “(36) To regulate the planting, cultivation and preservation of trees in the streets, squares and parks of the municipality; to compel every proprietor or occupant to ornament his land with grass, shrubs or trees; to prohibit the planting of poplars or willows within a distance fixed by the council from any sidewalk, roadway or underground pipe; to regulate and prohibit without obtaining a licence issued in accordance with a tariff fixed by the

council throughout the whole municipality or within only one portion thereof, upon private as well as upon public property, the felling of trees situated outside of a nursery or woodlot within the meaning of the Real Estate Assessment Act (1971, chapter 50);”.

1978, c. 88,
s. 101, am.

139. Section 101 of the said act is amended by replacing the second and third paragraphs by the following paragraphs:

Real estate
tax.

“Any provision of a general law or special act enabling the imposition of a tax upon an immovable or real estate on the basis of its taxable value, of its area or of its frontage shall be deemed, when it applies to a corporation, to enable it to impose the tax on the sole basis of the taxable value of the immovable to the exclusion of the land.

Real and
taxable
value.

The real value, and the taxable value, as the case may be, which must appear upon the valuation roll of the corporation pursuant to the Real Estate Assessment Act, shall be the real value and the taxable value of the immovable, excluding the land.”

1978, c. 88,
s. 102, am.

140. Section 102 of the said act is amended:

(a) by replacing the first paragraph of subsection 1 by the following paragraph:

Agreement
concerning
police
services.

“**102.** (1) Notwithstanding the Intergovernmental Affairs Department Act, any Cree village corporation may, by a by-law of its council previously approved by the Gouvernement du Québec, enter into an agreement respecting the provision of police services with the Government of Canada or one of its bodies, or with a Cree Band.”;

(b) by replacing the first paragraph of subsection 2 by the following paragraph:

Agreement.

“(2) A Cree village corporation may also, by a by-law of its council previously approved by the Ministre de la justice, enter into such an agreement with any municipal corporation, whatever may be the act governing it.”

1978, c. 87,
s. 168, am.

141. Section 168 of the Act respecting Northern villages and the Kativik Regional Government (1978, chapter 87) is amended:

(a) by replacing the first paragraph by the following paragraph:

Agree-
ments.

“**168.** Any municipal corporation may, by by-law of its council previously approved by the Minister, make with the Regional Government, any public body, a municipal corporation, however constituted, a community, an association and a school

board, agreements respecting the exercise of its jurisdiction; it may then carry out such agreements and exercise the rights and privileges and fulfil the obligations arising therefrom, even outside its territory.”;

(b) by adding, at the end, the following paragraph:

Agreement
regarding
the estab-
lishment of
municipal
service.

“Any municipal corporation may also, by by-law of its council previously approved by the Minister, make an agreement with the Regional Government for the delegation to the Regional Government of the implantation of a municipal service the establishment of which is decided by the corporation, the administration of a municipal service established by the corporation or the coordination of such a service with a service or programme of the Regional Government or of another municipal corporation. Such an agreement may be made for a period not exceeding two years, but it may be renewed.”

1978, c. 87,
s. 251, am.

142. Section 251 of the said act is amended by inserting, after the third paragraph, the following paragraph:

Regional
councillor
ex officio.

“However, the mayor of the corporation of the Naskapi Village of Schefferville established by the Act respecting the Cree villages and the Naskapi Village (1978, chapter 88) is *ex officio* the regional councillor representing that corporation.”

1978, c. 87,
s. 365, re-
placed.

143. Section 365 of the said act is replaced by the following section:

Agreement.

“**365.** The Regional Government may, by ordinance previously approved by the Minister, make an agreement for the delegation to the Regional Government by a municipal corporation in the territory of the implantation of a municipal service the establishment of which is decided by the corporation, the administration of a municipal service established by the corporation or the coordination of such a service with a service or programme of the Regional Government or of another municipal corporation. Such an agreement may be made for a period not exceeding two years, but it may be renewed.”

1978, c. 87,
s. 372, re-
placed.

144. Section 372 of the said act is replaced by the following section:

Exception.

“**372.** Subparagraphs *d* and *e* of the first paragraph of section 3 of the Police Act do not apply to the members of the regional police force who are Inuit or Naskapi beneficiaries under the Act respecting Cree, Inuit and Naskapi Native persons (1978, chapter 97).”

R.S.,
c. 235,
Part XIV,
ss. 762 to
795, added.

145. The Education Act (Revised Statutes, 1964, chapter 235) is amended by adding, after section 761, the following Part, title and sections:

“PART XIV

“EDUCATION SERVICES FOR THE NASKAPI BENEFICIARIES

Interpreta-
tion:

“762. In this Part,

“Naskapi
local gov-
ernment”;

(a) “Naskapi local government” means the band, within the meaning of the Indian Act (Revised Statutes of Canada, 1970, chapter I-6), called the Naskapis de Schefferville, until its constitution as a corporation as provided for in section 7 of the Agreement and, thereafter, this corporation;”.

“Naskapi
bene-
ficiary”;

(b) “Naskapi beneficiary” has the same meaning as in the Act respecting Cree, Inuit and Naskapi Native persons (1978, chapter 97);

“Agree-
ment”;

(c) “Agreement” means the Agreement contemplated in section 1 of the Act approving the Northeastern Québec Agreement (1978, chapter 98);

“the school
board”;

(d) “the school board” means the Commission scolaire régionale Eastern Québec or any other school board designated by the Lieutenant-Governor in Council in accordance with section 764;

“Naskapi
Native
party”;

(e) “Naskapi Native party” means the band, within the meaning of the Indian Act (Revised Statutes of Canada, 1970, chapter I-6) called the Naskapis de Schefferville represented by its council until the creation of the Naskapi Landholding Corporation established pursuant to the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter 93), and, afterwards, the said corporation or its successor;

“Category
IA-N and
IB-N
lands”;

(f) “Category IA-N and IB-N lands” means the lands so designated pursuant to the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter 93).

Naskapi
school.

“763. Education services for Naskapi beneficiaries shall be assured by the establishment of a Naskapi school to serve the needs of the Naskapi beneficiaries residing on Category IA-N lands.

Children of
non-bene-
ficiaries.

With respect to children residing on Category IA-N lands whose parents are not Naskapi beneficiaries, the Minister shall take the appropriate measures to provide education for them in the Naskapi school or in another school.

Commission
scolaire
régionale
Eastern
Québec.

"764. The general administration of the Naskapi school shall be carried out by the Commission scolaire régionale Eastern Québec.

Administra-
tion by
another
school
board.

The Lieutenant-Governor in Council may designate another school board to assume, with respect to the Naskapi school, the responsibilities assigned by this act to the Commission scolaire régionale Eastern Québec.

Applica-
bility of
this Part.

"765. In exercising its powers and duties in respect of the Naskapi beneficiaries or the Naskapi school, the school board having charge of the Naskapi school is subject to this Part.

Applica-
bility of
other laws.

"766. The Naskapi beneficiaries are subject to this act and to the other laws of Québec of general application save where these laws are inconsistent with this Part, in which event the provisions of this Part prevail.

Comité
naskapi de
l'éducation.

"767. A body hereinafter called "the committee" is established under the name of "Comité naskapi de l'éducation".

Naskapi
Education
Committee.

This committee may be referred to in Naskapi under the name of "NASKAPI SKUDIMATUUN KAMAMOWIITONANOOCH" and, in English, of "Naskapi Education Committee".

Composi-
tion.

"768. The committee shall be composed of five members, of whom four shall be elected, and one of whom shall be appointed by the Naskapi Native party.

Qualifica-
tions.

"769. The qualifications for being eligible to vote for and to hold office as a member of the committee are

- (a) to be a resident of Category IA-N lands;
- (b) to be eighteen years of age or over;
- (c) not to be affected by legal incapacity, and
- (d) to be a Naskapi beneficiary.

Term.

"770. The members of the committee shall be elected or appointed, as the case may be, for a term of two years. Two of the first members elected or appointed shall be designated for a term of one year by the drawing of lots at the first meeting of the committee.

Vacancy.

"771. The failure of a member to meet the qualifications enumerated in section 769 constitutes a vacancy and requires his being replaced for the unexpired portion of his term.

Successor.

"772. To fill the vacant office of an elected member, the committee shall appoint a successor within sixty days following

the vacancy. Beyond that delay, the Minister may himself designate a new member.

Successor. To fill the vacant office of the representative appointed by the Naskapi Native party, the latter shall, itself, appoint a successor.

Native customs. **"773.** The election of members to the committee shall be in accordance with the customs and usages of the Naskapi beneficiaries and under the supervision of the Naskapi Native party. The Naskapi Native party shall determine the date of the first election.

Naskapi Education Coordinator. **"774.** The committee shall appoint a Naskapi Education Coordinator, subject to the approval of the Minister as to the professional qualifications of the chosen candidate.

Principal. **"775.** The Naskapi Education Coordinator is the Principal of the Naskapi school.

Secretary. **"776.** The Naskapi Education Coordinator is also secretary and administrative officer of the committee. In such capacity, he is responsible to the committee, he shall implement the plans and policies of the committee, and shall act as liaison officer for the committee with the school board and the Ministère de l'éducation.

Consultative functions. **"777.** The consultative functions assigned to school committees under this act are assumed by the committee.

Chairman. The chairman of the committee is entitled to sit on the parents' committee of the school board.

Duties and powers. **"778.** Subject to budgetary restrictions, the committee also has the following duties and powers, with respect to the Naskapi school:

(a) to determine the school calendar of the Naskapi school, subject to the total annual number of school days required by the law and the regulations;

(b) to develop the content of courses designed to preserve the Naskapi language and culture;

(c) to determine the levels of secondary school instruction to be offered at the Naskapi school, provided that courses beyond the Secondary II level are offered only with the written approval of the Minister;

(d) to participate in the selection procedure and to make recommendations in regard to the engagement, re-engagement and

transfer of personnel attached to the Naskapi school, including teachers, non-teaching professionals and support staff, subject to the salary policies and collective agreements in force for schools under the jurisdiction of the school board;

(e) to recommend to the school board policies for the placing in other secondary schools of Naskapi students residing on Category IA-N lands, particularly with regard to the choice of schools and travelling and boarding policies for Naskapi students obliged to attend schools outside these lands;

(f) to determine annually the date when the election of members of the committee shall take place.

Additional powers.

"779. Subject to the approval of the Minister and after consultation with the school board, the committee may also

(a) initiate projects for the development of programmes, textbooks and teaching materials appropriate for the Naskapi beneficiaries;

(b) propose the introduction of new content of courses on an experimental or permanent basis;

(c) determine the number of teachers required in the Naskapi school;

(d) determine the use of standardized tests.

School site.

"780. Subject to the budgetary provisions provided in this Part, the Naskapi school shall be built by the school board on a site on Category IA-N lands proposed by the Naskapi local authority and acceptable to the Minister.

Site allocated to Québec.

This site shall be allocated to Québec for the sum of one dollar.

Planning.

The Naskapi beneficiaries shall participate in the planning of the Naskapi school and such planning, subject to the approval of the Minister, shall take into account the special needs of Naskapi students, the most recent population forecast for Naskapis, and this Part.

Prior requirements.

"781. The Naskapi school shall be built only after the permanent residence of the Naskapi beneficiaries has been determined in accordance with section 20 of the Agreement and after the number of Naskapi beneficiaries who will reside in Category IA-N lands has been determined in a manner satisfactory to the Minister.

Programmes.

"782. The Naskapi school shall offer programmes at the kindergarten and elementary levels. Subject to obtaining

budgetary approval from the Minister, it may establish secondary education programmes in accordance with paragraph *c* of section 778, for the children of all Naskapi beneficiaries residing on Category IA-N lands.

Pre-kindergarten programmes. Pre-kindergarten programmes may also be offered subject to the applicable regulations.

Remedial programmes. **"783.** The Naskapi school will offer, as required, and according to the policies in effect of the Ministère de l'éducation, special courses to Naskapi adults residing on Category IA-N lands as well as special remedial programmes for Naskapi children who have not completed their secondary education.

Teachers. **"784.** If qualified Naskapi beneficiaries are not available, the Minister may authorize the engagement of Naskapi beneficiaries as teachers at the Naskapi school notwithstanding that such Naskapis might not possess the standard qualifications of the Ministère de l'éducation.

Training programmes for teachers. **"785.** After consulting the committee, the Minister will make available special courses and training programmes to qualify Naskapi beneficiaries as teachers and training programmes for teachers newly assigned to the Naskapi school.

Location. Whenever possible, such special courses and training programmes will be conducted in the Naskapi school.

Teaching language. **"786.** In conformity with section 88 of the Charter of the French language (1977, chapter 5), the teaching languages for the Naskapi beneficiaries attending the Naskapi school shall be Naskapi and the other teaching languages in use in the Naskapi community on 31 January 1978.

Use of French. The Naskapi beneficiaries shall have as an objective the use of French as a teaching language so that pupils graduating from the Naskapi school will, in the future, be capable of continuing their studies in French in a school, college or university elsewhere in Québec, if they so desire.

Rate of introduction. The committee shall determine the rate of introduction of French and English as teaching languages.

School attendance. **"787.** Any Naskapi child who is certified by the committee as maintaining or helping to maintain his family may be declared exempt by the committee from compulsory school attendance at the Naskapi school for a part or the whole of any school year, and on such conditions as the committee may specify.

Religious instruction. **"788.** Every child attending the Naskapi school is entitled to receive moral and religious instruction in accordance with a

programme approved by a clergyman or priest serving the Naskapi community and by the Protestant Committee or the Catholic Committee of the Superior Council of Education.

Exemption. Any child, at the request of his parents, for reasons of conscience, shall be exempted from such moral or religious instruction.

Annual budget. “**789.** The budget of the Naskapi school shall be prepared annually by the committee.

Approval. It shall then be submitted for approval to the Minister prior to its incorporation in the global budget of the school board.

Provisions. The said annual budget shall include

(a) the Naskapi school's share of the administrative costs of the school board;

(b) all costs for administration, instruction, student services, auxiliary services, transportation, building repair and maintenance and debt service connected with the operation of the Naskapi school;

(c) the cost of the adult education programme for Naskapis residing on Category IA-N lands;

(d) the cost of training programmes for teachers in service and any other training programmes organized specifically for the Naskapi school;

(e) the cost of tuition fees, boarding and travelling allowances for Naskapi secondary students residing on Category IA-N lands placed, by the school board, for study in schools which, as a result of their location, make it necessary for the students to live outside of Category IA-N lands;

(f) the cost of maintaining for Naskapi beneficiaries residing on Category IA-N lands the post-secondary education services and benefits available to Naskapi beneficiaries on 31 January 1978;

(g) the net cost (total cost less rental revenue) of residences provided for under section 790;

(h) the remuneration payable to members of the committee, which shall be equal to the amounts payable to trustees of corporations of trustees having from 250 to 500 pupils;

(i) the salary and expenses of the Naskapi Education Coordinator in accordance with the administrative and salary policies of the Ministère de l'Éducation;

(j) the cost of necessary translation services.

Residences for teachers. “**790.** Residences shall be provided by the school board for the Naskapi Education Coordinator and for teachers at the Naskapi school if recruited from outside the Schefferville area.

Rent. The Naskapi Education Coordinator and such teachers shall pay a rent which is fixed by the school board in accordance with the norms applying in the northern territories of Québec.

Continuation of services. “**791.** The services and programmes available to Naskapi beneficiaries on 31 January 1978 shall be continued in accordance with subsections 11.20 and 11.20A of the Agreement.

Financing. “**792.** The annual budgets of the Naskapi school providing for the capital and operating costs as well as the capital cost required for the construction of the Naskapi school shall be funded in the manner provided in subsection 11.24 of the Agreement.

Copy of notices. “**793.** The school board shall send to the committee a copy of all public notices concerning schools.

Delay. Public notices concerning the Naskapi school issued to call a public meeting, or for any other reason, must reach the committee, unless otherwise provided by law or regulation, ten clear days before the public meeting or any other event is to be held.

Posting. The committee shall cause these notices to be posted up in a public place on Category IA-N lands.

Taxes prohibited. “**794.** The school board shall not levy taxes within Category IA-N lands.

Provisional measures. “**795.** Until the coming into force of sections 763 to 779 and 782 to 794, the provisional measures contained in subsections 11.6, 11.11, 11.12 and in the last paragraph of subsection 11.24 of the Agreement apply.”

Coming into force. **146.** This act will come into force on the date to be fixed by proclamation of the Government, except the provisions or parts thereof excluded by such proclamation, which will come into force on any later date to be fixed by proclamation of the Government. (*)

(*) Sections 1 to 104, 105 (31i, 1st paragraph of the Environment Quality Act), 106 to 110, 115, 120, 121, 129, 130, 140, 141, 143, 144, 145 (762, 780, 781, 795 of the Education Act) and 146 of this act come into force on 15 August 1979 (Gazette officielle du Québec, 1979, page 6233).