

[Nunavut Act](#) (1993, c. 28)

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Updated to April 30, 2001

Subject: Indian and Aboriginal Affairs

Nunavut Act

1993, c. 28

An Act to establish a territory to be known as Nunavut and provide for its government and to amend certain Acts in consequence thereof

[Assented to 10th June, 1993]

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

SHORT TITLE

Short title

1. This Act may be cited as the *Nunavut Act*.

INTERPRETATION

Definitions

2. In this Act,

"Minister"
« *ministre* »

"Minister" means the Minister of Indian Affairs and Northern Development;

"public land"
« *terres
domaniales* »

"public land" means any land, and any interest in any land, in Nunavut that belongs to Her Majesty in right of Canada or of which the Government of Canada has power to dispose;

"Tungavik"
« *Tungavik* »

"Tungavik" means Nunavut Tungavik Incorporated, a corporation without share capital incorporated under Part II of the *Canada Corporations Act*, R.S.C. 1970, c. C-32, and any successor to that corporation.
1993, c. 28, s. 2; 1998, c. 15, s. 1.

PART I ESTABLISHMENT AND GOVERNMENT

Establishment of Nunavut

Establishment of
Nunavut

- 3.** There is hereby established a territory of Canada, to be known as Nunavut, consisting of
- (a) all that part of Canada north of the sixtieth parallel of north latitude and east of the boundary described in Schedule I that is not within Quebec or Newfoundland;
 - and
 - (b) the islands in Hudson Bay, James Bay and Ungava Bay that are not within Manitoba, Ontario or Quebec.

Seat of Government

Location

- 4.** The seat of government of Nunavut shall initially be at such place in Nunavut as the Governor in Council may designate, but the Legislature for Nunavut may thereafter designate another place as the seat of government.

Executive Power

Commissioner of Nunavut

Commissioner

- 5.** (1) There shall be a chief executive officer for Nunavut, called the Commissioner of Nunavut, who shall be appointed by the Governor in Council.

Publication of
order

- (2) The order in council appointing the Commissioner shall be published in the *Canada Gazette*.

Action of
Commissioner

- 6.** (1) The Commissioner shall act in accordance with any written instructions given to the Commissioner by the Governor in Council or the Minister.

Instructions

- (2) The Commissioner shall, as soon as possible after receiving written instructions, make them available to the Executive Council of Nunavut and cause them to be laid before the Legislative Assembly of Nunavut, but they are effective when they are made.

Executive powers

- 7.** The executive powers that, immediately before the coming into force of this section, were vested by any laws of Canada in the Commissioner of the Northwest Territories shall be exercised by the Commissioner of Nunavut so far as they are applicable to and capable of being exercised in relation to the government of Nunavut as it is constituted at the time of the exercise of those powers.

Deputy
Commissioner

- 8.** The Governor in Council may appoint a Deputy Commissioner of Nunavut, who, if the Commissioner is absent, ill or unable to act or the office of Commissioner is vacant, has and may exercise and perform all of the powers, duties and functions of the Commissioner.

Oaths of office

- 9.** The Commissioner and the Deputy Commissioner shall, before assuming the duties of their respective offices, take and subscribe such oaths of office and allegiance as the Governor in Council may prescribe.

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| Absence or incapacity | <p>10. If both the Commissioner and the Deputy Commissioner are absent, ill or unable to act or both those offices are vacant, the senior judge, within the meaning of subsection 22(3) of the <i>Judges Act</i>, of the Nunavut Court of Justice has and may exercise and perform all of the powers, duties and functions of the Commissioner. 1993, c. 28, s. 10; 1999, c. 3, s. 1.</p> |
| | Executive Council of Nunavut |
| Executive Council established | <p>11. There is hereby established an Executive Council of Nunavut, the members of which are appointed by the Commissioner on the recommendation of the Legislative Assembly of Nunavut.</p> |
| | <i>Legislative Power</i> |
| | Legislature for Nunavut |
| Legislature established | <p>12. There is hereby established a Legislature for Nunavut consisting of the Commissioner and the Legislative Assembly of Nunavut.</p> |
| | Legislative Assembly of Nunavut |
| Assembly established | <p>13. There is hereby established a Legislative Assembly of Nunavut, each member of which is elected to represent an electoral district in Nunavut.</p> |
| Number of members and electoral districts | <p>14. The Legislature may make laws prescribing the number of members of the Assembly and describing and naming the electoral districts in Nunavut. 1993, c. 28, s. 14; 1998, c. 15, s. 2.</p> |
| Writs | <p>15. (1) Writs for the election of members of the Assembly shall be issued on the instructions of the Commissioner. (2) [Repealed, 1998, c. 15, s. 3] 1993, c. 28, s. 15; 1998, c. 15, s. 3.</p> |
| Oaths of office | <p>16. Each member of the Assembly shall, before assuming the duties of that office, take and subscribe before the Commissioner such oaths of office and allegiance as the Governor in Council may prescribe.</p> |
| Duration of Assembly | <p>17. No Assembly shall continue for longer than five years from the date of the return of the writs for the general election, but the Commissioner may at any time, after consultation with the Executive Council, dissolve the Assembly.</p> |
| Sittings of Assembly | <p>18. The Assembly shall sit at least once every twelve months.</p> |
| Speaker | <p>19. The Assembly shall elect one of its members to be Speaker, who shall preside over the Assembly when it is sitting.</p> |
| Quorum | <p>20. A majority of the Assembly, including the Speaker, constitutes a quorum.</p> |
| Rules of | <p>21. The Assembly may make rules for its operations and procedures, except in</p> |

procedure

relation to the classes of subjects referred to in paragraphs 23(1)(b) and (c).

Part of indemnity
not taxable

22. One thousand dollars of the indemnity paid in any year to a member of the Assembly for sittings of the Assembly is not income for the purposes of the *Income Tax Act*.

Legislative Powers

Legislative
powers

- 23.** (1) Subject to any other Act of Parliament, the Legislature may make laws in relation to the following classes of subjects:
- (a) the election of members of the Assembly, including the qualifications of electors and of candidates for election;
 - (b) the disqualification of persons from sitting or voting as members of the Assembly;
 - (c) the indemnity and expenses of members of the Assembly, including members of a committee of the Assembly;
 - (d) the establishment and tenure of territorial offices and the appointment, conditions of employment and payment of territorial officers;
 - (e) the administration of justice in Nunavut, including the constitution, maintenance and organization of territorial courts, both of civil and of criminal jurisdiction, and the procedure in civil matters in those courts;
 - (f) the establishment, maintenance and management of prisons, jails or lock-ups in and for Nunavut;
 - (g) municipal and local institutions in Nunavut;
 - (h) hospitals and charities in and for Nunavut;
 - (i) the management and sale of the lands the right to the beneficial use or to the proceeds of which is appropriated to the Commissioner by section 49, and of the timber and wood on those lands;
 - (j) direct taxation within Nunavut in order to raise revenue for territorial, municipal or local purposes;
 - (k) licensing in order to raise revenue for territorial, municipal or local purposes;
 - (l) property and civil rights in Nunavut;
 - (m) education in and for Nunavut, subject to the condition that any law respecting education must provide that
 - (i) a majority of the ratepayers of any part of Nunavut, by whatever name called, may establish such schools in that part as they think fit, and make the necessary assessment and collection of rates for those schools, and
 - (ii) the minority of the ratepayers in that part of Nunavut, whether Protestant or Roman Catholic, may establish separate schools in that part and, if they do so, they are liable only to assessments of such rates as they impose on themselves in respect of those separate schools;
 - (n) the preservation, use and promotion of the Inuktitut language, to the extent that the laws do not diminish the legal status of, or any rights in respect of, the English and French languages;
 - (o) the solemnization of marriage in Nunavut;
 - (p) intoxicants in Nunavut, including the definition of what constitutes an intoxicant;
 - (q) the incorporation of companies with territorial objects, excluding railway, steamship, air transport, telegraph and telephone companies;
 - (r) agriculture in Nunavut;
 - (s) the preservation of game in Nunavut;
 - (t) the entering into of intergovernmental agreements by the Commissioner or any other official of the Government of Nunavut;
 - (u) the expenditure of money for territorial purposes;
 - (v) generally, all matters of a merely local or private nature in Nunavut;

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| | (w) the imposition of fines, penalties, imprisonment or other punishment in respect of the contravention of any law made by the Legislature; and (x) such other matters as the Governor in Council may, by order, designate. |
| Restriction on powers | (2) Nothing in subsection (1) shall be construed as giving the Legislature greater powers with respect to any class of subjects described in that section than are given to the legislatures of the provinces by sections 92 and 95 of the <i>Constitution Act, 1867</i> with respect to similar subjects described in those sections. |
| Laws in respect of Indians and Inuit | (3) Subject to any other Act of Parliament, nothing in subsection (2) shall be construed as preventing the Legislature from making laws of general application that apply to or in respect of Indians and Inuit. |
| Restriction | 24. The Legislature may not make laws under section 23 that restrict or prohibit Indians or Inuit from hunting, on unoccupied Crown lands, for food game other than game declared by order of the Governor in Council to be game in danger of becoming extinct. |
| Land claims agreements | 25. For greater certainty, the Legislature may make laws under any other provision of this Act for the purpose of implementing the land claims agreement entered into by Her Majesty in right of Canada and the Inuit on May 25, 1993 or any other land claims agreement with an aboriginal people as may be designated by order of the Governor in Council. |
| Importation of intoxicants | 26. (1) Subject to any other Act of Parliament, the Legislature may make laws respecting the importation of intoxicants into Nunavut from any other place in Canada or elsewhere and defining what constitutes an intoxicant for the purposes of those laws. |
| <i>Importation of Intoxicating Liquors Act</i> not applicable | (2) The <i>Importation of Intoxicating Liquors Act</i> does not apply to the importation, sending, taking or transportation of intoxicating liquor into Nunavut. |
| Borrowing and lending | 27. (1) The Legislature may make laws (a) for the borrowing of money by the Commissioner on behalf of Nunavut for territorial, municipal or local purposes; (b) for the lending of money by the Commissioner to any person in Nunavut; and (c) for the investing by the Commissioner of surplus money standing to the credit of the Nunavut Consolidated Revenue Fund. |
| Restriction | (2) No money may be borrowed under a law made pursuant to paragraph (1)(a) without the approval of the Governor in Council. |
| Charge on Nunavut C.R.F. | (3) The repayment of money borrowed under a law made pursuant to paragraph (1)(a), and the payment of interest on the money, is a charge on and payable out of the Nunavut Consolidated Revenue Fund. |
| Transmittal of laws | 28. (1) A copy of every law made by the Legislature shall be transmitted to the Governor in Council within thirty days after its enactment. |
| Disallowance | (2) The Governor in Council may disallow any law made by the Legislature or any provision of any such law at any time within one year after its enactment. |

Laws Applicable in Nunavut

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| Laws of Nunavut | 29. (1) Subject to this Act, on the day that section 3 comes into force, the ordinances of the Northwest Territories and the laws made under them that have been made, and not repealed, before that day are duplicated to the extent that they can apply in relation to Nunavut, with any modifications that the circumstances require. The duplicates are deemed to be laws of the Legislature and the laws made under them. |
| Coming into force | (2) Subject to this Act, a law of the Legislature or a law made under it that is a duplicate of an ordinance of the Northwest Territories or a law made under it that is made, but not in force, on the day that section 3 comes into force, comes into force in accordance with its provisions. |
| Non-application - - transmittal and disallowance | (3) Subsection 28(1) does not apply to laws of the Legislature under subsection (1). For the purpose of subsection 28(2), the period for the disallowance of a law that is a duplicate of an ordinance of the Northwest Territories is deemed to begin on the day that the ordinance of the Northwest Territories was made. |
| Other laws | (4) The laws in force or having effect in the Northwest Territories on the day that section 3 comes into force, other than the ordinances and the laws made under them referred to in subsection (1), continue to be in force or to have effect in Nunavut to the extent that they can apply in Nunavut and in so far as they are not after that time repealed, amended, altered or rendered inoperable in respect of Nunavut. 1993, c. 28, s. 29; 1998, c. 15, s. 4. |
| Rights or privileges | 29.1 The coming into force of section 3 does not affect a right, privilege, licence, permit, authorization, approval, certification, registration or filing, or any status provided, before the day that section 3 comes into force, by or under the ordinances of the Northwest Territories. On or after that day, to the extent that it was in force or had effect and applied immediately before that day in relation to Nunavut, it is deemed, in relation to Nunavut, to have been provided by or under the laws of the Legislature. 1998, c. 15, s. 4. |
| When no officer in Nunavut | 30. (1) If, in or under any Act of Parliament or any law of the Legislature, an officer is designated to perform a function in relation to Nunavut and there is no person designated to perform that function, it may be performed by the person whose functions in relation to Nunavut are the most similar to that function or by any person that the Commissioner may designate to perform the function, and the performance of the function by that person is lawful and valid. |
| Transmission of documents | (2) If, in or under any Act of Parliament or any law of the Legislature, a document or thing is to be transmitted to a designated officer, court, territorial division or place and there is no person, court, territorial division or place so designated in Nunavut, the Commissioner may designate a person, court, territorial division or place to which the document or thing is to be transmitted or may dispense with the transmission, and the transmission or dispensation of transmission is lawful and valid. 1993, c. 28, s. 30; 1998, c. 15, s. 4. |

Judicial Power

Judicature

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| Superior courts | 31. (1) The Nunavut Court of Justice and the Court of Appeal of Nunavut are established as superior courts that have and may exercise in relation to Nunavut all the |
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powers and jurisdiction that the Supreme Court of the Northwest Territories and the Court of Appeal of the Northwest Territories, respectively, had immediately before the day that section 3 comes into force.

- Administration of justice (1.1) Subsection (1) does not limit the powers conferred on the Legislature by paragraph 23(1)(e).
- Appointment of judges (2) The Governor in Council shall appoint the judges of the superior courts of Nunavut as described in subsection (1) or as may be established by the laws of the Legislature.
- Tenure of office of judges (3) The judges of the superior courts in Nunavut hold office during good behaviour, but may be removed by the Governor in Council on address of the Senate and House of Commons and cease to hold office on attaining the age of seventy-five years. 1993, c. 28, s. 31; 1998, c. 15, s. 5; 1999, c. 3, s. 2.

Nunavut Court of Justice

- Ex officio* judges **32.** A judge, other than a deputy judge, of the Supreme Court of the Yukon Territory and of the Supreme Court of the Northwest Territories is *ex officio* a judge of the Nunavut Court of Justice. 1993, c. 28, s. 32; 1999, c. 3, s. 3.
- Deputy judges **33.** (1) The Governor in Council may appoint any person who is or has been a judge of a superior court in Canada or a barrister or advocate of at least ten years standing at the bar of any province as a deputy judge of the Nunavut Court of Justice and may fix that person's remuneration and allowances.
- Duration of appointment (2) A deputy judge may be appointed for any particular case or cases or for any specified period.
- Tenure of office (3) A deputy judge holds office during good behaviour, but may be removed by the Governor in Council on address of the Senate and House of Commons.
- Powers (4) A deputy judge, while in office, has and may exercise and perform all the powers, duties and functions of a judge of that Court and any reference to a judge of the Nunavut Court of Justice is deemed to include a reference to the deputy judge. 1993, c. 28, s. 33; 1999, c. 3, s. 4.
- Exercise of powers **34.** (1) If a law in force in Nunavut provides that a power, duty or function is to be exercised or performed by a provincial court judge, a stipendiary magistrate or a justice of the peace, the power, duty or function may be exercised or performed by a judge of the Nunavut Court of Justice.
- Status when exercising power (2) For greater certainty, a power, duty or function exercised or performed under subsection (1) by a judge of the Nunavut Court of Justice is exercised or performed by that judge as a judge of a superior court. 1993, c. 28, s. 34; 1999, c. 3, s. 5.
- Jurisdiction to try criminal cases **35.** (1) A judge of the Nunavut Court of Justice has and may exercise and perform, anywhere in Canada, all the powers, duties and functions of the Court with respect to any criminal offence committed or charged to have been committed in Nunavut.
- Application of laws (2) All laws applicable to criminal proceedings in Nunavut apply in like manner to

proceedings held under this section at any place outside Nunavut.

Enforcement of
decisions

(3) Any judgment, conviction, sentence or order pronounced or made in any proceedings held under this section outside Nunavut may be enforced or executed at the place at which it is pronounced or made or elsewhere, either in or outside Nunavut, as the judge of the Court may direct, and the proper officers of Nunavut have and may exercise all powers and authority necessary for the enforcement or execution thereof at the place where it is directed to be enforced or executed, notwithstanding that the place is not in Nunavut.

1993, c. 28, s. 35; 1999, c. 3, s. 6.

Court of Appeal of Nunavut

Sittings

36. The Court of Appeal of Nunavut may sit in Nunavut and, unless the laws of the Legislature made after the coming into force of section 3 provide otherwise, in any other place in Canada.

1993, c. 28, s. 36; 1998, c. 15, s. 6.

Repeal

Repeal

37. Sections 32 to 36 and this section are repealed on a day or days to be fixed by order of the Governor in Council.

PART II GENERAL

Official Languages

Official
languages
ordinance

38. The law of the Legislature that, under subsection 29(1), is the duplicate of the ordinance of the Northwest Territories entitled the *Official Languages Act* may not be repealed, amended or otherwise rendered inoperable by the Legislature without the concurrence of Parliament by way of a resolution, if that repeal, amendment or measure that otherwise renders that law inoperable would have the effect of diminishing the rights and services provided for in that ordinance as enacted on June

28, 1984 and amended on June 26, 1986.

1993, c. 28, s. 38; 1998, c. 15, s. 7.

Nunavut Consolidated Revenue Fund

Nunavut C.R.F.

39. (1) All public moneys and revenue over which the Legislature has the power of appropriation shall form a fund to be known as the Nunavut Consolidated Revenue Fund.

Establishment of
accounts

(2) The Commissioner may establish, in the name of the Government of Nunavut, accounts for the deposit of public moneys and revenue with any member of the Canadian Payments Association or any local cooperative credit society that is a member of a central cooperative credit society having membership in that Association.

Recommendation
of Commissioner

40. The Assembly may not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue of Nunavut, or of any tax, for any purpose that has not been first recommended to the Assembly by message of the Commissioner in the session in which the vote, resolution, address or bill is proposed.

Appropriation of
moneys granted
by Parliament

41. When a sum of money is granted to Her Majesty in right of Canada by Parliament to defray expenses for a specified public service in Nunavut, the power of appropriation by the Legislature over that sum is subject to the specified purpose for which it is granted.

Territorial Accounts

Fiscal year

42. The fiscal year of Nunavut is the period beginning on April 1 in one year and ending on March 31 in the next year.

Auditor of
Nunavut

43. The Auditor General of Canada shall act as the auditor of Nunavut.

Submission of
Territorial
Accounts to
Assembly

44. The Commissioner shall, on or before December 31 of each fiscal year, lay before the Assembly a report, called the Territorial Accounts, for the preceding fiscal year of Nunavut, and the Assembly shall consider the report.

Form and
contents

45. The Territorial Accounts shall be prepared in such form as the Commissioner may direct and in accordance with accounting principles recommended by the Canadian Institute of Chartered Accountants or its successor and shall include

- (a) consolidated financial statements for Nunavut of
 - (i) the financial position as at the end of the fiscal year,
 - (ii) the accumulated surplus or deficit as at the end of the fiscal year,
 - (iii) the revenues and expenditures for the fiscal year, and
 - (iv) the changes in the financial position for the fiscal year; and
- (b) any other information or statements that are required in support of the consolidated financial statements or that are required by the Minister or by or under any law of the Legislature.

1993, c. 28, s. 45; 1998, c. 15, s. 8.

Audit and report
by auditor

46. (1) The auditor of Nunavut shall audit the accounts and financial transactions of Nunavut in each fiscal year in accordance with generally accepted auditing standards and report to the Assembly on the result of that audit, including whether, in the opinion of the auditor,

- (a) the consolidated financial statements for Nunavut presents fairly, in all material respects and in accordance with accounting principles recommended by the Canadian Institute of Chartered Accountants or its successor, the financial position of Nunavut as at the end of the fiscal year and the results of its operations in, and changes in its financial position for, the fiscal year; and
- (b) the transactions of Nunavut that have come to the notice of the auditor in the course of the audit of the consolidated financial statements have been within the powers of Nunavut under this Act and any other Act applicable to Nunavut.

Other matters

(2) The auditor of Nunavut shall call attention to any other matter falling within the scope of the audit made under subsection (1) that, in the opinion of the auditor, should be brought to the attention of the Assembly.

Inquiry and report

47. At the request of the Commissioner, made on the advice of the Executive

Council and with the agreement of the Governor in Council, the auditor of Nunavut may, if in the auditor's opinion it does not interfere with the auditor's primary responsibilities, inquire into and report to the Assembly

- (a) on any matter relating to the financial affairs of Nunavut or to public property in Nunavut; or
- (b) on any person or organization that has received or is seeking financial aid from the Government of Nunavut.

Powers of auditor

48. (1) The auditor of Nunavut has, in connection with the audit of the accounts of Nunavut, all the powers that the Auditor General of Canada has under the *Auditor General Act* in connection with the examination of the accounts of Canada.

Access to information

(2) Except as provided by any law made by the Legislature that expressly refers to this subsection, the auditor of Nunavut is entitled to free access at all convenient times to information that relates to the fulfilment of the auditor's responsibilities and is entitled to require and receive from the public service of Nunavut such information, reports and explanations as the auditor considers necessary for that purpose.

Lands

Lands vested in Her Majesty

49. (1) The following lands are and remain vested in Her Majesty in right of Canada:

- (a) land acquired with funds of Nunavut;
- (b) land in Nunavut acquired with funds of the Northwest Territories before the day on which section 3 comes into force;
- (c) public land, the administration and control of which has been transferred by the Governor in Council to the Commissioner of Nunavut;
- (d) public land, the administration and control of which has been transferred by the Governor in Council to the Commissioner of the Northwest Territories before the day on which section 3 comes into force;
- (e) all roads, streets, lanes and trails on public land;
- (f) land acquired pursuant to tax sale proceedings by the Commissioner of Nunavut; and
- (g) land in Nunavut acquired pursuant to tax sale proceedings by the Commissioner of the Northwest Territories before the day on which section 3 comes into force.

Beneficial use or proceeds

(2) The right to the beneficial use or to the proceeds of the lands referred to in subsection (1) is appropriated to the Commissioner, and the lands may be held by and in the name of the Commissioner for the beneficial use of the Government of Nunavut.

Management and disposal

(3) Subject to any law made by the Legislature, the Commissioner may manage, and sell, lease or otherwise dispose of, the lands referred to in subsection (1).

Relinquishment

(4) The Commissioner may, with the approval of the Governor in Council, relinquish the administration and control of the entire or any lesser interest in any land referred to in subsection (1), either in perpetuity or for any lesser term.

Approval

(5) On the approval of the relinquishment, the appropriation under subsection (2), and the Commissioner's rights and powers under subsections (2) and (3), in respect of the relinquished land or interest are terminated and the land or interest becomes subject to the control of the Governor in Council.

Transfer

(6) The Governor in Council may transfer the administration of the land or interest

to a Minister of the Government of Canada or to an agent corporation within the meaning of the *Financial Administration Act*.

Transfer to
Commissioner

50. The Governor in Council may transfer, either in perpetuity or for any lesser term, the administration and control of the entire or any lesser interest in any public land to the Commissioner.

Leases for
Nunavut facilities

50.1 (1) The Minister may, by instrument satisfactory to the Minister of Justice, transfer to the Commissioner the administration and control of the entire interest in any real property held under a lease entered into by the Minister for facilities for the Government of Nunavut or housing for its employees. The Commissioner is deemed to have accepted the transfer on the day the instrument is signed by the Minister.

Effect of transfer

(2) The administration and control is deemed to have been transferred by the Governor in Council.

Limitation

(3) This section applies to a lease only if the instrument effecting the transfer is signed on or before March 31, 2004.
1998, c. 15, s. 9.

Cultural Sites and Property

Regulations

51. (1) The Governor in Council may make regulations for the protection, care and preservation of sites, works, objects and specimens in Nunavut of palaeontological, archaeological, ethnological or historical importance, interest or significance and of explorers' cairns and explorers' documents in Nunavut.

Offence

(2) Every person who contravenes any regulation made under subsection (1) is guilty of an offence punishable on summary conviction.

Power to seize

52. (1) A peace officer who believes on reasonable grounds that any object, specimen or document has been removed, taken, shipped, had in possession or otherwise dealt in contravention of the regulations may, in Nunavut, without a warrant, seize the object, specimen or document.

Forfeiture

(2) A peace officer who makes a seizure under subsection (1) shall report the seizure as soon as practicable to a justice of the peace, who may, on being satisfied that the object, specimen or document was removed, taken, shipped, had in possession or otherwise dealt with in contravention of the regulations, declare it to be forfeited to Her Majesty in right of Canada and, on that declaration, it is forfeited.

***PART III**

*[Note: Part III repealed July 1, 1999.]

NUNAVUT IMPLEMENTATION COMMISSION

53. [Repealed, 1998, c. 15, s. 10]

Establishment

Commission established

54. There is hereby established a commission, to be called the Nunavut Implementation Commission, consisting of a Chairperson and nine other members to be appointed by the Governor in Council.

Chairperson

55. (1) The Chairperson shall be appointed on the recommendation of the Minister with the agreement of the government leader of the Northwest Territories and of Tunngavik.

Other members

(2) Of the members other than the Chairperson, three shall be appointed from a list of candidates supplied by the government leader of the Northwest Territories and three from a list of candidates supplied by Tunngavik.

Term

(3) A member shall be appointed to hold office during pleasure for such term not exceeding three years as the Governor in Council may fix, but a member may be reappointed in the same or another capacity.
1993, c. 28, s. 55; 1998, c. 15, s. 42.

Residence

56. (1) Unless the Minister, the government leader of the Northwest Territories and Tunngavik agree otherwise, at least six members shall be ordinarily resident in Nunavut.

Office vacated

(2) If a member ceases to be ordinarily resident in Nunavut and the condition imposed by subsection (1) is not satisfied, the appointment of the member is terminated as of the date the member ceases to be so resident.
1993, c. 28, s. 56; 1998, c. 15, s. 42.

Meetings

57. The Commission shall meet at least four times a year.

Mandate

Mandate

58. The mandate of the Commission is to advise the Government of Canada, the Government of the Northwest Territories and Tunngavik on the establishment of Nunavut and, in particular, to advise on

- (a) the timetable for the assumption by the Government of Nunavut of responsibility for the delivery of services;
- (b) the process for the first election of the members of the Assembly, including the number of members and the establishment of electoral districts;
- (c) the design and funding of training programs;
- (d) the process for determining the location of the seat of government of Nunavut;
- (e) the principles and criteria for the equitable division of assets and liabilities between Nunavut and the Northwest Territories;
- (f) the new public works necessitated by the establishment of Nunavut and the scheduling of the construction of the works;
- (g) the administrative design of the first Government of Nunavut;
- (h) the arrangements for delivery of programs and services where the responsibility for delivery by Nunavut is to be phased in; and
- (i) any other related matter referred to it by the Minister, with the consent of the government leader of the Northwest Territories and of Tunngavik.

1993, c. 28, s. 58; 1998, c. 15, s. 42.

Information

59. The Commission shall establish programs, which may include the holding of public meetings, to inform the residents of Nunavut of its activities.

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| Other functions | 60. The Commission shall perform such functions as in its opinion are required to fulfill its mandate. |
| Powers | 61. (1) The Commission may, for the purpose of fulfilling its mandate, (a) acquire personal property in the name of the Commission and dispose of the property; and (b) enter into contracts in the name of the Commission. |
| Legal proceedings | (2) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Commission may be brought or taken by or against the Commission in the name of the Commission in any court that would have jurisdiction if the Commission were a corporation. |
| Not an agent | (3) The Commission is not an agent of Her Majesty in right of Canada. |
| By-laws | 62. The Commission may make by-laws respecting the conduct of its business. |

Staff

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| Executive Director | 63. (1) There shall be an Executive Director of the Commission, who shall be appointed by the Commission and who, under the direction of the Chairperson, has supervision over and direction of the work, budget and staff of the Commission and is the secretary to the Commission. |
| Absence or incapacity of Chairperson | (2) If the Chairperson is absent or unable to act or if the office of Chairperson is vacant, the members may authorize a member to assume the direction of the Chairperson over the Executive Director. |
| Staff | 64. (1) The Commission may employ such employees as it considers necessary for the proper conduct of its work and, subject to subsection (2), may prescribe their duties and the conditions of their employment. |
| General consistency | (2) The conditions of employment respecting remuneration and benefits and the payment of expenses must be generally consistent with the conditions established by the Treasury Board for persons employed in the public service as defined in subsection 11(1) of the <i>Financial Administration Act</i> . |
| Presumption | (3) The members, Executive Director and employees of the Commission are deemed to be employees for the purposes of the <i>Government Employees Compensation Act</i> and to be employed in the public service of Canada for the purposes of any regulation made pursuant to section 9 of the <i>Aeronautics Act</i> . |

Financial Provisions

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| Annual budget | 65. (1) The Commission shall annually submit a budget for the next following fiscal year to the Minister for consideration. |
| Accounts | (2) The Commission shall maintain books of account and records in relation thereto in accordance with accounting principles recommended by the Canadian Institute of Chartered Accountants or its successor. |
| Consolidated | (3) The Commission shall annually prepare consolidated financial statements in |

financial statements accordance with the accounting principles referred to in subsection (2) and shall include therein such information or statements as are required in support of the consolidated financial statements.

Audit (4) The accounts, financial statements and financial transactions of the Commission shall be audited annually by the Auditor General of Canada and a report of the audit shall be made to the Commission and forthwith sent to the Minister.

Annual Report

Annual report **66.** (1) Subject to subsection (2), the Commission shall, within three months after the end of each fiscal year, submit to the Minister a report on the activities of the Commission in that year.

Idem (2) The report for the year in which this Part is repealed shall be submitted before the repeal.

Tabling in Parliament **67.** The Minister shall cause a copy of the report to be laid before each House of Parliament within the first thirty days on which that House is sitting after the day on which the Minister receives it.

Tabling in Council of Northwest Territories **68.** (1) On the tabling in a House of Parliament of a copy of the report, the Minister shall submit copies of it to the government leader of the Northwest Territories and to Tunngavik, and the government leader shall lay a copy of the report before the Council of the Northwest Territories within the first thirty days on which the Council is sitting after the day on which the government leader receives it.

Tabling in Legislative Assembly of Nunavut (2) On the tabling in a House of Parliament of a copy of the report for the year in which section 3 comes into force, the Minister shall, in addition to submitting copies as described in subsection (1), submit copies of it to the government leader of Nunavut or, if the leader has not yet been chosen, the Commissioner of Nunavut, and the government leader or Commissioner, as the case may be, shall lay a copy of the report before the Assembly within the first thirty days on which the Assembly is sitting after the day on which the government leader or Commissioner receives it.
1993, c. 28, s. 68; 1998, c. 15, s. 42.

Repeal

Repeal ***69.** This Part is repealed on the day that is three months after the day on which section 3 comes into force or on such earlier day as the Governor in Council may fix by order.

*[Note: Part III repealed July 1, 1999.]

PART IV TRANSITIONAL PROVISIONS

Expenditures

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| Expenditures | <p>70. Until the first Legislative Assembly of Nunavut is convened, the Commissioner of Nunavut may authorize the payment of monies out of the Nunavut Consolidated Revenue Fund for the purposes of defraying expenses incurred in respect of Nunavut for which there is no other lawful authority to defray.</p> |
| <i>Interim Commissioner of Nunavut</i> | |
| Interim Commissioner of Nunavut | <p>71. (1) The Governor in Council may establish the office of Interim Commissioner of Nunavut and may appoint a person to hold that office during pleasure until the appointment of the first Commissioner of Nunavut.</p> |
| Directions | <p>(2) The Interim Commissioner shall act in accordance with any written directions given to the Interim Commissioner by the Minister.</p> |
| Publication | <p>(3) Directions respecting the exercise of the powers conferred by section 72 or 75 shall be published in such manner as the Minister may determine.</p> |
| Absence, incapacity or vacancy | <p>(4) In the event of the absence or incapacity of the Interim Commissioner, or if the office of Interim Commissioner is vacant, the Minister may, after consultation with the Government of the Northwest Territories and Tunngavik, appoint a person to act as Interim Commissioner until the Interim Commissioner resumes the exercise of the powers, duties and functions of that office or a replacement Interim Commissioner is appointed under subsection (1). 1993, c. 28, s. 71; 1998, c. 15, s. 11.</p> |
| Powers generally | <p>72. (1) The Interim Commissioner may</p> <p>(a) enter into contracts for employment to begin on or after the day that section 3 comes into force, by the Government of Nunavut with the persons that the Interim Commissioner considers necessary for the operations of that Government;</p> <p>(b) prescribe the duties of the persons referred to in paragraph (a) and the conditions of their employment consistent with the conditions of employment established by the Government of the Northwest Territories for its employees;</p> <p>(b.1) assign to a person referred to in paragraph (a) any powers, duties or functions provided for in or under the laws of the Legislature that the person is to have and exercise;</p> <p>(c) establish systems and processes for the Government of Nunavut, including the organization and administration of territorial courts; and</p> <p>(d) carry out such other functions as the Governor in Council may, by order, assign to the Interim Commissioner for the purposes of facilitating the assumption by the Government of Nunavut of any of its powers, duties or functions.</p> |
| Agreements binding | <p>(2) Agreements entered into pursuant to paragraph (1)(a) are binding on the Government of Nunavut.</p> |
| Consultation | <p>(2.1) An assignment referred to in paragraph (1)(b.1) that involves powers, duties or functions under an ordinance of the Northwest Territories entitled the <i>Legislative Assembly and Executive Council Act</i> or flowing from an appointment made, on the recommendation of the Executive Council or the Council of the Northwest Territories, by the Commissioner of the Northwest Territories is subject to prior consultation by the Interim Commissioner with the Government of the Northwest Territories and Tunngavik.</p> |
| Assignment of | <p>(2.2) The assignment referred to in paragraph (1)(b.1) is deemed to have been</p> |

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| powers, duties and functions | made in accordance with the laws that provide for those powers, duties and functions. |
| Alteration, etc. of systems | (3) The Government of Nunavut may alter, revoke or replace any system or process established pursuant to paragraph (1)(c). 1993, c. 28, s. 72; 1998, c. 15, s. 12. |
| Agreements | 73. (1) The Interim Commissioner may, with the approval of the Governor in Council, enter into agreements (a) with the Government of Canada in respect of federal government programs or other federal responsibilities in relation to Nunavut, including the supply of goods or services; (a.1) with the Government of Canada, the Government of the Northwest Territories, the government of a province or any person in respect of programs or other responsibilities of the Government of Nunavut, including the supply of goods or services; (b) with the Government of Canada or the Northwest Territories for funding in respect of Nunavut; (c) with the Government of the Northwest Territories for the division of its assets and liabilities between Nunavut and the Northwest Territories, including rights and obligations arising under a contract entered into by the Government of the Northwest Territories; and (d) with the Government of the Northwest Territories for the transfer, despite any law or any contractual restriction, of information in its possession to the Government of Nunavut. |
| Tabling of agreement | (1.1) The Commissioner shall cause to be laid before the Legislative Assembly of Nunavut any agreement entered into under subsection (1). |
| Agreements binding | (2) Subject to subsections (3) and (4), agreements entered into pursuant to this section are binding on the Government of Nunavut. |
| Exemption -- no approval | (2.1) The approval of the Governor in Council is not required for the Interim Commissioner to enter into an agreement under paragraph (1)(a) or (a.1) if the maximum total amount that the Government of Nunavut must pay under the agreement, including any renewal of the agreement under its terms to which the other party is entitled, is less than the greater of (a) \$400,000, and (b) any other amount that the Governor in Council may, by order, prescribe for those agreements or any category of them. |
| Termination of agreements | (3) The Government of Nunavut may, by giving notice in writing, terminate any agreement entered into with a government under paragraph (1)(a) or (a.1) at the end of the fiscal year following that in which the notice is given. |
| Idem | (4) An agreement entered into pursuant to paragraph (1)(b) terminates two years after the coming into force of section 3, unless the agreement provides for an earlier termination. |
| Consent of affected third party | (5) An agreement entered into under paragraph (1)(c) may affect the rights or obligations of a party that has entered into a contract with the Government of the Northwest Territories only if, before the agreement is entered into, the party consents to being so affected. |
| Exception -- assignment | (6) Despite subsection (5), an agreement entered into under paragraph (1)(c) may assign to the Government of Nunavut any right or obligation of the Government of the |

Northwest Territories arising under a contract entered into by it with a party that is not a government even if the contract does not allow for, or the party does not consent to, the assignment. The assignment binds the party but, unless the contract allows for the assignment or the party consents to it, the agreement must provide for compensation to the party for costs or losses, if any, arising from the assignment.

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| Transfer of Information | <p>(7) The possession and use, by the Government of Nunavut, of information transferred under an agreement entered into under paragraph (1)(d) shall be subject to</p> <ul style="list-style-type: none">(a) the conditions contained in any contract entered into by the Government of the Northwest Territories that apply to the possession and use of the information, as if the Government of Nunavut were a party to the contract;(b) the conditions contained in any federal law that apply to the possession and use, by the Government of the Northwest Territories, of the information; and(c) all laws of the Legislature that apply to the possession and use of the information. <p>1993, c. 28, s. 73; 1998, c. 15, s. 13.</p> |
| Powers of Governor in Council | <p>73.1 (1) In the absence of an agreement on a matter under paragraph 73(1)(c), the Governor in Council may, on the recommendation of the Minister, by order,</p> <ul style="list-style-type: none">(a) in the case of any property, other than property referred to in section 44 of the <i>Northwest Territories Act</i>, transfer ownership of the property to the Government of Nunavut from the Government of the Northwest Territories; or(b) in the case of a contract entered into between the Governments of Canada and the Northwest Territories giving rise to rights or obligations of the Government of the Northwest Territories, terminate the contract. |
| Consultation and notice | <p>(2) The Minister shall, before making the recommendation, consult with the Government of the Northwest Territories and the Interim Commissioner and shall, after that consultation, notify that Government and the Interim Commissioner of the contents of the recommendation.</p> |
| Effective date | <p>(3) An order under subsection (1) may be made only on or before the day that section 3 comes into force, but it takes effect on that day.</p> <p>1998, c. 15, s. 14.</p> |
| Carrying out of programs | <p>74. The Government of Canada or the Northwest Territories may carry out any programs in accordance with any agreement entered into under paragraph 73(1)(a.1).</p> <p>1993, c. 28, s. 74; 1998, c. 15, s. 14.</p> |
| Staff | <p>75. (1) The Interim Commissioner may employ such employees as the Interim Commissioner considers necessary for the proper conduct of the Interim Commissioner's work and may prescribe their duties and the conditions of their employment consistent with the conditions of employment established by the Government of the Northwest Territories for its employees.</p> |
| Termination of employment | <p>(2) The employment of persons by the Interim Commissioner terminates not later than the day on which the first Commissioner is appointed.</p> |
| Severance pay | <p>(3) An employee to whom this section applies who becomes employed by a department or portion of government that is a part of the Public Service as defined in subsection 3(1) of the <i>Public Service Superannuation Act</i> within three months after the day that the employment with the Interim Commissioner terminates is not entitled to severance pay for the termination of that employment.</p> |
| Supply of goods and services | <p>(4) For greater certainty, the Interim Commissioner may enter into contracts for the</p> |

supply of goods or services considered necessary for the proper conduct of the Interim Commissioner's work.

Supply contracts
-- coming into
force

(5) Subsection (4) is deemed to have come into force on November 26, 1996 and any contract entered into by the Interim Commissioner before this section comes into force is deemed to have been entered into under this Act, to the extent that the Interim Commissioner could enter into the contract under this section.
1993, c. 28, s. 75; 1998, c. 15, s. 15.

Council of the Northwest Territories

Sitting members

76. (1) A member of the Council of the Northwest Territories whose electoral district does not include any of the communities listed in Schedule II ceases, on the coming into force of section 3, to be a member of the Council.

Change of name

(2) If the name of a community listed in Schedule II is changed, the reference in that Schedule to the name of the community shall be construed as a reference to the new name of the community.

First Elections

Number of
members and
electoral districts

76.01 (1) Despite section 14 and any law of the Legislature, for the first elections of members of the Legislative Assembly, the Governor in Council shall, by order, prescribe the number of members of the Assembly and describe and name the electoral districts in Nunavut, but in no event shall the number of members of the first Assembly be fewer than ten.

Writs -- when
issued

(2) Writs for the first elections of members of the Assembly shall, subject to the laws governing those elections, be issued no later than thirty days after the day that section 3 comes into force.
1998, c. 15, s. 16.

Laws for election

76.02 (1) Despite the laws of the Legislature, the laws governing the first elections of members of the Assembly are the laws that apply to the conduct of elections in the Northwest Territories on the day that this section comes into force, with any modifications that the Governor in Council may, by order, prescribe.

Publication of
order

(2) A notice of a proposed order shall be published in the *Canada Gazette* at least thirty days before the order is made and an opportunity shall be given to interested persons to make representations to the Minister about the proposed order. The notice may be published before this section comes into force.

Exception

(3) Once a notice is published under subsection (2), no further notice is required to be published about any amendment to the proposed order that results from representations made by interested persons.

Chief electoral
officer

(4) The chief electoral officer for the first elections of members of the Assembly is the Chief Electoral Officer of the Northwest Territories.
1998, c. 15, s. 16.

Writs --
instructions and
return

76.03 (1) Despite section 15, the Governor in Council may, before the day that section 3 comes into force, give the chief electoral officer instructions to issue the writs

for the first elections of members of the Assembly.

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| Return of writs | (2) The day for the return of those writs must be set in accordance with the laws governing the elections and may be before or after the coming into force of section 3. |
| Status of elected candidates | (3) For greater certainty, a candidate who is elected, before the day that section 3 comes into force, is not, for any purpose, a member of the Assembly until the Assembly is established under section 13. 1998, c. 15, s. 16. |
| Qualifications of members of Council of NWT | 76.04 Despite any other law, a member of the Council of the Northwest Territories may be a candidate, and be declared elected, in the first elections of members of the Assembly without affecting, before the day that section 3 comes into force, her or his qualifications to sit or vote as a member of the Council. 1998, c. 15, s. 16. |
| <i>Initial Laws of Nunavut</i> | |
| Amending ordinances | 76.05 (1) In relation to any ordinance referred to in subsection 29(1), on the recommendation of the Interim Commissioner, the Commissioner in Council of the Northwest Territories may, before the day that section 3 comes into force and to the extent of the legislative competence of the Legislature, by ordinance, specify (a) the text that will become the law of the Legislature instead of a duplicate of that ordinance that would otherwise become a law of the Legislature under subsection 29(1); or (b) the differences between the text of what will become the law of the Legislature and the ordinance referred to in subsection 29(1). |
| Consultation | (2) The recommendation may be made only after the Government of the Northwest Territories consults with Tunngavik. |
| Ordinances -- paragraph (1)(a) | (3) If an ordinance is made under paragraph (1)(a), the text it specifies is, on the day that section 3 comes into force, deemed to be a law of the Legislature and the ordinance referred to in that paragraph is not duplicated under subsection 29(1). |
| Ordinances -- paragraph (1)(b) | (4) If an ordinance is made under paragraph (1)(b), the law of the Legislature, on the day that section 3 comes into force, is the duplicate under subsection 29(1) of the ordinance referred to in that paragraph with the differences specified. |
| Transmittal and disallowance | (5) Section 21 of the <i>Northwest Territories Act</i> applies to an ordinance made under subsection (1), and section 28 of this Act does not apply to the law of the Legislature resulting from the application of subsection (3) or (4) to the ordinance. If a provision of the ordinance is disallowed under subsection 21(2) of that Act, then the provision of the law of the Legislature resulting from the application of subsection (3) or (4) to the provision of the ordinance is disallowed. |
| Public offices and public bodies | (6) An ordinance made under subsection (1) may exempt a public office or public body from the application of section 76.06 and, in that case, (a) the recommendation by the Interim Commissioner may be made only after the Government of the Northwest Territories consults with the public office or public body; and (b) the ordinance must provide for the circumstances under which the assets and liabilities of the public office or public body, and any funds that it administers, may be divided and the manner in or process by which that division may be determined. |

Public Offices and Bodies

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| General rule -- duplication | <p>76.06 (1) Subject to this Part, on the day that section 3 comes into force, for every public office or public body established or continued by an ordinance of the Northwest Territories that has, immediately before that day, powers, duties or functions in relation to both a part of the Northwest Territories described in section 3 and a part of the rest of those Territories and for every office or body on a list made under subsection (3), there is established, with any modifications that the circumstances require, by the laws of the Legislature a duplicate and distinct office or body, with the same powers, duties or functions in relation to Nunavut.</p> |
| Courts excluded | <p>(2) Subsection (1) does not apply to courts of the Northwest Territories.</p> |
| Nunavut Court of Justice | <p>(2.1) For greater certainty, the Nunavut Court of Justice has and may exercise in relation to Nunavut the powers, duties and functions of any territorial court referred to in a law duplicated under subsection 29(1).</p> |
| List | <p>(3) Before the day that section 3 comes into force, the Governor in Council may, on the recommendation of the Minister of the Government of the Northwest Territories responsible for intergovernmental affairs and the Interim Commissioner, by order, make the list referred to in subsection (1).</p> |
| Assets and liabilities | <p>(4) To the extent that the assets and liabilities of an office or body referred to in subsection (1), or any funds that it administers, are not subject to paragraph 73(1)(c), they continue, on and after the day that section 3 comes into force, to be the assets and liabilities of the office or body of the Northwest Territories, or funds administered by it, until they are fairly divided between that office or body and the corresponding office or body of Nunavut.</p> |
| Mechanisms for division | <p>(5) The division may occur by</p> <ul style="list-style-type: none">(a) an agreement between those offices or bodies; or(b) in the absence of an agreement, an order of the Supreme Court of the Northwest Territories on an application by either office or body made on or after the day that is one year after the day that section 3 comes into force. |
| Principles for division | <p>(6) A division made under paragraph (5)(b) must, to the extent possible, put each office or body into the position that it would have been in had a fair division of the assets and liabilities, and administered funds, occurred on the day that section 3 comes into force.</p> <p>1998, c. 15, s. 16; 1999, c. 3, s. 7.</p> |
| Continued offices and bodies | <p>76.07 (1) Subject to this Act, on the day that section 3 comes into force, a public office or public body established or continued by an ordinance of the Northwest Territories that has, immediately before that day, powers, duties or functions in relation only to the part of the Northwest Territories described in that section and an office or a body on a list made under subsection (2) is continued for Nunavut only, with the same powers, duties or functions, but is deemed to have been established by the laws of the Legislature.</p> |
| List | <p>(2) Before the day that section 3 comes into force, the Governor in Council may, on the recommendation of the Minister of the Government of the Northwest Territories responsible for intergovernmental affairs and the Interim Commissioner, by order,</p> |

make the list referred to in subsection (1).

Officers and employees

(3) Persons who are, immediately before the day that section 3 comes into force, office holders or officers or employees of the offices and bodies referred to in subsection (1) continue, on and after that day, to occupy their respective positions, with the same tenure, but they are deemed to hold, and to have assumed, them under the laws of the Legislature.
1998, c. 15, s. 16.

Collective agreements

76.08 (1) The terms of a collective agreement entered into by the Minister responsible for the ordinance of the Northwest Territories entitled the *Public Service Act*, and any arbitration decision in relation to the collective agreement, that is in force on the day immediately before the coming into force of section 3 remains in force after that day in relation to Nunavut and the corresponding employees of the Government of Nunavut with the substitution of the Government of Nunavut for the Government of the Northwest Territories as the employer and any other modifications that the circumstances require.

Expiry

(2) In relation to Nunavut, a collective agreement referred to in subsection (1) expires in accordance with its terms and any laws that apply to it unless the parties to the collective agreement agree, before the expiry date, that the collective agreement expires on a later date that may not be later than March 31, 2000.
1998, c. 15, s. 16.

Pending Matters

New public bodies

76.09 (1) Subject to subsection (3), jurisdiction over a matter that was pending before an office or body of the Northwest Territories referred to in subsection 76.06(1) immediately before the day that section 3 comes into force is transferred, on that day, to the extent that it relates to Nunavut, to the corresponding duplicate office or body established for Nunavut. The office or body of the Northwest Territories retains jurisdiction to deal with the matter to the extent that it relates to the Northwest Territories.

Validity of proceedings

(2) For greater certainty, the transfer under subsection (1) of a pending matter does not affect the validity of any steps taken or documents filed before the transfer and those steps or documents, to the extent that they relate to Nunavut, are deemed to have been taken or filed, respectively, under the laws of the Legislature.

Exception -- agreement

(3) The Interim Commissioner may enter into an agreement with the Government of the Northwest Territories to allow an office or body of the Northwest Territories to retain, despite the coming into force of section 3, jurisdiction over a matter referred to in subsection (1) in relation to Nunavut. Any rights, privileges, licences, permits, authorizations, approvals, certificates, registrations or filings, or any status or decision, in relation to Nunavut in the matter, whenever provided, are deemed to have been provided for by or under the laws of the Legislature.

Exception -- judicial matters

(4) This section does not apply to matters to which section 76.1 applies.
1998, c. 15, s. 16.

Nunavut courts

76.1 (1) A court, judge or justice of Nunavut has jurisdiction over any matter commenced, on or after the day that section 3 comes into force, even if the events giving rise to the matter occurred before that day, to the extent that it would have been within the jurisdiction of that court, judge or justice had those events occurred after that

day.

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| Northwest Territories courts | (2) A court, judge or justice of the Northwest Territories retains jurisdiction, until all appeals or reviews are exhausted, over any matter commenced before the day that section 3 comes into force, if it would have been within the jurisdiction of a court, judge or justice of Nunavut had it commenced after that day. |
| New trials | (3) For greater certainty, an appeal or review mentioned in subsection (2) includes a new trial ordered and any appeal or review in relation to the new trial. 1998, c. 15, s. 16; 1999, c. 3, s. 8. |
| Transfer | 76.11 (1) A court, judge or justice of the Northwest Territories may, by order, transfer any matter referred to in subsection 76.1(2) to the Nunavut Court of Justice if the court, judge or justice of the Northwest Territories is satisfied that the transfer is in the interests of the administration of justice. |
| Transfer -- record and materials | (2) If a court, judge or justice makes an order under subsection (1), the order shall provide for the transfer of the record and any material relating to the matter to the Nunavut Court of Justice or to an appropriate officer of Nunavut. |
| Deemed record, orders or decisions of Nunavut courts | (3) A record that is transferred by an order made under subsection (2) is deemed to be part of the record of the Nunavut Court of Justice. Any order or decision made or document issued by a court, judge or justice of the Northwest Territories in relation to the matter that is transferred is deemed to have been made or issued by the Nunavut Court of Justice. 1998, c. 15, s. 16; 1999, c. 3, s. 9. |
| Sittings for pending cases | 76.12 (1) For any matter referred to in section 76.1 or 76.11, (a) the territorial courts, including superior courts, of the Northwest Territories may exercise and perform all their powers, duties and functions in any place in both the Northwest Territories and Nunavut; and (b) the Nunavut Court of Justice may exercise and perform all of its powers, duties and functions in any place in Nunavut and, unless the laws of the Legislature made after the coming into force of section 3 provide otherwise, in the Northwest Territories. |
| Applicable laws | (2) The laws that apply to a matter before a court when it sits in the other territory under subsection (1) are the laws that would apply if it heard the matter in the territory where it normally sits. |
| Enforcement of decisions | (3) Any judgment, conviction, sentence or order pronounced or made in any matter commenced in the Northwest Territories before the day section 3 comes into force may be enforced or executed at any place in Nunavut or the Northwest Territories as the court with jurisdiction over the matter may direct, and the proper officers of the territory in which the judgment, conviction, sentence or order is to be enforced or executed may exercise all powers and authority necessary for that purpose. 1998, c. 15, s. 16; 1999, c. 3, s. 10. |
| Justices of the peace | 76.13 (1) The justices of the peace of the Northwest Territories who reside, immediately before the day that section 3 comes into force, in the territory referred to in section 3 are deemed to have been appointed justices of the peace under the laws of the Legislature and to have and exercise the powers, duties or functions of justices of the peace under the laws that apply in Nunavut. |
| Pending matters | (2) In any matter referred to in subsection 76.1(2), the justices of the peace of the |

Northwest Territories referred to in subsection (1), despite their residency in Nunavut on and after the day that section 3 comes into force, continue to hold the office of justice of the peace of the Northwest Territories and to have and exercise, in Nunavut, the powers, duties or functions of justices of the peace of the Northwest Territories.
1998, c. 15, s. 16.

PART V CONSEQUENTIAL AMENDMENTS AND COMING INTO FORCE

Northwest Territories Act

77. to 77.3 [Amendments]

Other Consequential Amendments

78. [Amendments]

Coming into Force

Coming into force

***79.** (1) Subject to subsection (2), this Act or any provision of this Act or of any Act as amended by this Act shall come into force on April 1, 1999 or on such earlier day or days as the Governor in Council may fix by order.

Idem

(2) Part III shall come into force on the day that is six months after the day on which this Act is assented to or on such earlier day as the Governor in Council may fix by order.

*[Note: Part III in force December 10, 1993; sections 1 and 4 in force June 20, 1996, see SI/96-51; sections 71 to 75 in force November 26, 1996, see SI/96-102; sections 1, 121 and 126 of Schedule III in force November 27, 1997, see SI/97-136; subsection 14(2) in force June 1, 1998, see SI/98-69; subsection 128(2) of Schedule III deemed to have come into force November 26, 1996, see 1998, c. 15, s. 37(2); the definition "Tunngavik" in section 2 and sections 50.1, 76.01 to 76.07 and 76.09 in force June 11, 1998, see 1998, c. 15, s. 52(1); sections 9, 16 and 51 in force November 27, 1998, see SI/98-112.]

SCHEDULE I

(Section 3)

WESTERN BOUNDARY OF NUNAVUT

Commencing at the intersection of 60o00'N latitude with 102o00'W longitude, being the intersection of the Manitoba, Northwest Territories and Saskatchewan borders;

thence due north to the intersection of 102o00'W longitude and 64o14'N latitude near

the south shore of the Thelon River;

thence west northwesterly in a straight line to the intersection of 64°50'N latitude and 109°20'W longitude, north of Gloworm Lake;

thence northwesterly in a straight line to the intersection of 65°30'N latitude and 110°40'W longitude, west of Contwoyto Lake;

thence due west to the intersection of 65°30'N latitude and 112°30'W longitude, east of Itchen Lake;

thence northwesterly in a straight line to a point on the southeastern boundary of the Inuvialuit Settlement Region, being the intersection of 68°00'N latitude and 120°40'51"W longitude;

thence due north to the intersection of 120°40'51"W longitude and the shoreline of Amundsen Gulf;

thence easterly in a straight line to the intersection of the northerly bank of Kugalak River and the shoreline of Penny Bay in Amundsen Gulf;

thence generally easterly following the northerly bank of Kugalak River to the intersection of that bank and 116°38'10"W longitude at approximate 69°38'N latitude;

thence northwesterly in a straight line to the intersection of 69°53'20"N latitude and 117°08'40"W longitude;

thence northerly in a straight line to the intersection of 70°00'N latitude and 117°07'W longitude;

thence due east to the intersection of 70°00'N latitude and 112°53'W longitude;

thence due south to the intersection of 112°53'W longitude and 69°50'N latitude;

thence due east to the intersection of 69°50'N latitude and 112°39'W longitude;

thence due north to the intersection of 112°39'W longitude and the shoreline of Quunnguq Lake at approximate 69°51'N latitude;

thence easterly, northerly and westerly following the sinuosities of the shoreline of Quunnguq Lake to the intersection of that shoreline and 112°30'W longitude at approximate 69°54'50"N latitude;

thence due north to the intersection of 112°30'W longitude and 70°00'N latitude;

thence due east to the intersection of 70°00'N latitude and 110°00'W longitude; and finally

thence due north along 110°00'W longitude to its intersection with the northern limits of Canada, being the termination of this boundary.

SCHEDULE II

(Section 76)

COMMUNITIES

INUVIK REGION

Aklavik
Arctic Red River
Colville Lake
Déline
Fort Good Hope
Fort McPherson
Fort Norman
Inuvik
Norman Wells
Paulatuk
Sachs Harbour
Tuktoyaktuk

FORT SMITH REGION

Detah
Enterprise
Fort Liard
Fort Providence
Fort Resolution
Fort Simpson
Fort Smith
Hay River
Hay River Reserve
Jean Marie River
Kakisa
Lac La Martre
Lutselk's (Snowdrift)
Nahanni Butte
Rae-Edzo
Rae Lakes
Reliance
Snare Lake
Trout Lake
Wrigley
Yellowknife

KITIKMEOT REGION

Holman

SCHEDULE III

(Section 78)

1. and 2. [Amendments]
3. and 4. [Repealed, 1999, c. 3, s. 12]
5. [Amendment]
6. [Repealed, 1999, c. 3, s. 12]
7. to 14. [Amendments]
15. [Repealed, 1996, c. 31, s. 92]
16. to 18. [Amendments]
19. and 20. [Repealed, 1999, c. 3, s. 12]
21. [Repealed, 1998, c. 15, s. 19]
22. to 24. [Repealed, 1999, c. 3, s. 12]
25. (1) [Amendment]
(2) [Repealed, 1999, c. 3, s. 12]
26. [Amendment]
27. to 29. [Repealed, 1999, c. 3, s. 12]
30. [Amendment]
31. and 32. [Repealed, 1999, c. 3, s. 12]
33. [Amendment]
34. [Repealed, 1999, c. 3, s. 12]
35. [Amendments]
- 35.1 to 36. [Repealed, 1999, c. 3, s. 12]
37. and 38. [Amendments]
39. to 41. [Repealed, 1999, c. 3, s. 12]
42. [Repealed, 1998, c. 15, s. 22]
43. and 43.1 [Amendments]
- 43.2 (1) [Amendment]
(2) [Repealed, 1999, c. 3, s. 12]
- 43.3 to 54. [Amendments]
55. [Repealed, 1998, c. 15, s. 26]
56. [Amendment]
57. [Repealed, 1999, c. 26, s. 12]
58. [Amendment]
59. [Repealed, 1999, c. 3, s. 12]

- 60.** [Amendment]
- 61. and 62.** [Repealed, 1999, c. 3, s. 12]
- 63.** [Amendment]
- 64. and 65.** [Repealed, 1996, c. 10, s. 249]
- 66. to 70.** [Amendments]
- 71. to 73.** [Repealed, 1999, c. 3, s. 12]
- 74. to 79.** [Amendments]
- 80.** [Repealed, 1999, c. 3, s. 12]
- 81.** [Repealed, 1998, c. 15, s. 27]
- 82.** (1) and (2) [Amendments]
(3) [Repealed, 1999, c. 3, s. 12]
- 83.** [Repealed, 1999, c. 3, s. 12]
- 84.** (1) to (3) [Repealed, 1999, c. 3, s. 12]
(3.1) [Amendment]
(4) [Repealed, 1999, c. 3, s. 12]
- 85.** (1) [Repealed, 1999, c. 3, s. 12]
(2) [Amendment]
- 86.** [Amendment]
- 87. to 88.** [Repealed, 1999, c. 3, s. 12]
- 89. and 90.** [Amendments]
- 91. to 99.** [Repealed, 1998, c. 15, s. 31]
- 100. to 104.** [Amendments]
- 105.** [Repealed, 1999, c. 3, s. 12]
- 106. to 110.** [Amendments]
- 111.** [Repealed, 1998, c. 15, s. 34]
- 112. and 113.** [Repealed, 1999, c. 3, s. 12]
- 114. to 128.** [Amendments]
- 129.** [Repealed, 1999, c. 3, s. 12]
- 130. to 133.** [Amendments]
- 134.** [Repealed, 1998, c. 15, s. 39]
- 135. to 141.** [Amendments]
- 142. and 143.** [Repealed, 1999, c. 3, s. 12]
- 144.** [Amendment]

145. [Repealed, 1999, c. 3, s. 12]

146. and 147. [Amendments]