



NUNAVIK REFERENDUM

20
11

REFERENDUM ON THE CREATION
OF THE NUNAVIK REGIONAL
GOVERNMENT - APRIL 27, 2011



LE DIRECTEUR GÉNÉRAL
DES ÉLECTIONS DU QUÉBEC

DGE-6437-VA (11-09)

REPORT OF THE CHIEF ELECTORAL OFFICER OF QUÉBEC

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Message

Message from the Chief Electoral Officer

In June 2009, the National Assembly entrusted the Chief Electoral Officer of Québec (DGEQ) with the mandate to help organize the referendum on the creation of the Nunavik Regional Government. For the DGEQ, this was an acknowledgement of our expertise in the administration of elections. We accepted the government's request and offered our resources for the service of democracy in this region of Northern Québec.

For the DGEQ, it was an enormous challenge. Guiding the chief returning officer, from a distance, in this important democratic experience would clearly be a test of our expertise. The people of Nunavik and the Inuit Beneficiaries of the James Bay and Northern Québec Agreement were to express their democratic opinion on an Agreement that, if approved, would establish the foundation of an autonomous regional government.

The physical distance, of course, was the major obstacle to overcome, although the cultural distance also required many adjustments on both sides. Within a very short deadline, the participants had to propose referendum rules including provisions for referendum funding, design management tools, prepare and provide training, develop referendum materials, and establish and implement a communications plan, not to mention dealing with unexpected events and issues.

Despite some problems encountered in the process, particularly with the drawing and revision of the referendum list, the exercise was an administrative success. The results were accepted by the Parties to the Agreement and by the people of

Nunavik. The process was not contested, and no complaints were officially lodged.

I believe we can say with pride that, backed the values that underlie our daily actions, the DGEQ has risen to the challenge and accomplished our mandate. I would like to acknowledge the commitment, professionalism and constant dedication of the staff, which allowed us to achieve the objectives we set for this project, and I extend my special thanks to the members of the operational committee, who played a critical role in the weeks leading up to the referendum. The following pages outline our mandate and the way the DGEQ accomplished it.

A handwritten signature in black ink, appearing to read 'Jacques Drouin', with a large, stylized flourish at the end.

Jacques Drouin,
Chief Electoral Officer of Québec and
President of the Commission de la représentation électorale

Mandate

Mandate entrusted to the Chief Electoral Officer

On June 17, 2009, the National Assembly gave consent to the government proposal to entrust the Chief Electoral Officer of Québec (DGEQ) with the mandate to help organize the referendum on the creation of the Nunavik Regional Government. The Assembly's resolution was as follows:

“Whereas the Agreement-in-Principle Concerning the Amalgamation of Certain Public Institutions and Creation of the Nunavik Regional Government was signed on 5 December 2007 by the Makivik Corporation, the Government of Québec and the Government of Canada and that this Agreement provides for the drafting of a Final Agreement;

Whereas the tripartite negotiation table, composed of representatives of the Makivik Corporation, the Government of Québec and the Government of Canada, has begun drafting the Final Agreement;

Whereas sections 6.2.4 and 6.2.7 of the Agreement-in-Principle stipulate that the rules and procedures required for the initial election of the Nunavik Assembly shall be set out in the Final Agreement on a proposal to be made by the Chief Electoral Officer and that the first election shall be organized with the support of the Chief Electoral Officer subject to being mandated by the National Assembly of Québec;

Whereas section 6.2.6 of the Agreement-in-Principle provides that elections shall be subject to the rules and standards recognized by the Government of Québec;

Whereas section 12.3 of the Agreement-in-Principle states that the Final Agreement shall be submitted for the approval of the residents of Nunavik by way of a referendum to be organized with the support of the Chief Electoral Officer subject to being mandated by the National Assembly of Québec;

Therefore, be it resolved by the National Assembly of Québec:

That, pursuant to the provisions of section 485 of the *Election Act* (R.S.Q., chapter E-3.3), the Chief Electoral Officer be mandated to assist the tripartite negotiation table by proposing the required rules and procedures for the first election of the Nunavik Assembly and if necessary for the subsequent elections, to assist in organizing the referendum in view of the approval of the Final Agreement by the residents of Nunavik, and to assist in organizing the first election of the Nunavik Assembly.”

Contribution of the Chief Electoral Officer

Although the official mandate was given to Chief Electoral Officer of Québec (DGEQ) in June 2009, it was in fall 2008 that the institution began to help the tripartite negotiation table to develop the sections of the Agreement that deal with the referendum and the election of members to the Nunavik Assembly. The DGEQ's initial involvement in the process was to provide advice and technical election expertise during the development of the Final Agreement. Two chapters of the Final Agreement were of particular interest to the DGEQ:

- Chapter 10: Election of the Nunavik Assembly
- Chapter 19: Referendum

The DGEQ provided the members of the tripartite negotiation table with comments on each version of the Draft Agreement and offered input of a technical nature. Our contributions included a general framework for the referendum and for the election of the future Nunavik Assembly, comments on the referendum budget and several meetings and contact with the table members.

The DGEQ also developed a proposed referendum funding framework, which was later fleshed out with a number of detailed referendum rules. The staff took part in work meetings both within the DGEQ and with representatives of the tripartite negotiation table for the purpose of establishing the Referendum Rules. One of our legal experts helped draft the Rules.

The DGEQ also helped organize and run the referendum by offering the chief returning officer, Mr Adamie Padlayat, the constant guidance and coaching of an assistant, Mr Denis Fontaine, supported by several staff members.

Moreover, in the week of December 12, 2010, the institution welcomed the chief returning officer to Québec City for a three-day training session. At that time, he was sworn in by the Chief Electoral Officer of Québec.

In further contributions to the referendum, the DGEQ established a complete program of referendum activities, based on the model we use for provincial, municipal and school board elections. Just before the beginning of the referendum period, the institution produced a list of electors who had resided in Nunavik for at least one year, based on data from Québec's permanent electoral list.

To support the chief returning officer and local returning officers in the exercise of their duties, the DGEQ designed a number of management tools, including a referendum calendar, instructions for the referendum staff, checklists and forms. The management tools included an extranet for the chief returning officer and local returning officers featuring all of the tools, documents and forms needed to administer the poll.

Finally, a training activity for local returning officers was held in Kuujjuaq on March 10, 2011. The chief returning officer and the local returning officer of the Montréal office also took part in this activity.

Likewise, to provide adequate information to the electors, the DGEQ produced a communications plan and developed a complete set of information tools, including a microsite, posters, an elector's manual, radio messages, print messages for publication in a northern weekly (paper and online), press releases, etc. The institution also provided the election materials required for the poll and printed the ballots. All of the materials and information were translated into English and Inuktitut.

At the beginning of the referendum period, the DGEQ set up an operational committee. The committee communicated regularly by conference call with the chief returning officer and the local returning officer of the Montréal office. Two conference calls with the local returning officers were held at key points in the referendum period.

Furthermore, at each step of the referendum calendar, a memo was prepared and sent to the local returning officers under the chief returning officer's signature. These memos served to remind them of actions to take at specific moments.

To help the local returning officer of the Montréal office, the institution delegated an employee to remain onsite for a good portion of the referendum period. In terms of applying the Referendum Rules, the chief electoral officer made three special decisions by virtue of the powers conferred on us by section 169. Finally, the DGEQ issued notices to the tripartite negotiation table and the chief returning officer with regard to the application of the referendum funding rules.

On the evening of the referendum, April 27, the DGEQ set up an operational structure, at his Québec City offices, to receive and announce the preliminary results of the poll. The local returning officers transmitted their Statements of Votes by fax and confirmed the data by telephone. As soon as the preliminary results were received, they were posted on the website.

On May 16, the DGEQ proceeded with the addition of votes in Québec City, at the request of the chief returning officer, who took part in the exercise by phone from Inukjuak.

The DGEQ's final action with regard to the Nunavik referendum was to produce this report.

Question The referendum question and calendar

Calendar

The referendum question

The draft Final Agreement on the Creation of the Nunavik Regional Government specified the following referendum question:

*Do you approve the Final Agreement on the creation of the
Nunavik Regional Government?*

The ballot on which the electors were asked to record their opinion showed this question in Inuktitut, French and English. A copy is provided in Appendix 2.

The referendum calendar

The Referendum Rules established a 38-day referendum calendar, including the polling day, which was set for April 27, 2011. The referendum calendar is provided in Appendix 3.

The official referendum period began on Monday, March 21. In compliance with the Referendum Rules, the chief returning officer issued a notice of referendum. This notice included the referendum question as well as the conditions for the revision and the voting. Various means of communication were used to inform the electors that a referendum was to be held.

Before the beginning of the referendum period, as stipulated in the Referendum Rules, the Chief Electoral Officer of Québec (DGEQ) sent the chief returning officer the list of electors enrolled on the permanent electoral list and residing in the territory of Nunavik for one year or more.

All of the revision and voting mechanisms that were implemented during the referendum period were set out in the Referendum Rules, drawing on the rules established by the Québec Election Act. The chart below shows some of the important dates in the referendum calendar:

**Referendum calendar
Principal dates**

Beginning of referendum period	March 21, 2011
Distribution of notice of referendum	March 21, 2011
Transmission of list of electors enrolled on the Permanent Electoral List and residing in Nunavik	March 14, 2011
Creation of referendum list	March 14 to April 7, 2011
Revision of referendum list	April 11 to 15, 2011
Postal vote for electors outside Nunavik (requests)	March 21 to April 8, 2011
Vote at the Raglan mine	April 18, 2011
Vote at the office of the local referendum director	April 19, 21 and 22, 2011
Vote at the elector's domicile	April 20, 2011
Advance poll	April 20, 2011
Vote by incarcerated electors	April 19 to 22, 2011
Vote at residential centres	April 25, 2011
Polling day	April 27, 2011

Proposal of referendum funding rules

In accordance with the mandate conferred on the Chief Electoral Officer by the National Assembly, the institution was to help the tripartite negotiation table by proposing rules and procedures required for the first election of the Nunavik Assembly and assist in the organization of a referendum to approve the Final Agreement. Beginning in fall 2008 and early 2009, the DGEQ proposed a general framework for the holding of the referendum, as well as an electoral framework for the first election of the Nunavik Assembly. The basic blueprint of the referendum framework was included in the draft Final Agreement.

In 2010, the DGEQ submitted to the tripartite negotiation table a series of principles to be met with regard to sources of funding and control of referendum and pre-referendum spending. Based on established principles, rules governing referendum and pre-referendum funding were prepared and discussed with the table.

These funding rules stipulated in particular that the Parties and any other organization, company or corporation could incur expenses to advertise or promote their point of view outside of the referendum period. During the referendum period, however, only registered electors could incur referendum expenses.

Development of Referendum Rules

In fall 2010, the tripartite negotiation table asked for the DGEQ's assistance to develop detailed Referendum Rules, based on the general framework the institution had previously proposed. DGEQ set up a taskforce of specialists from different departments to help substantiate the proposed rules and provided the services to a lawyer to draft them. Several meetings were held in December 2010 and January 2011, both internally and with representatives of the tripartite negotiation table.

The Referendum Rules were approved by the negotiators of the Parties to the Agreement on February 25, 2011.

Highlights of the Referendum Rules

- ◆ A total of 171 sections
- ◆ Power of intervention for the Chief Electoral Officer (S. 169)
- ◆ An Honorary Tribunal established to rule on complaints and disputes
- ◆ A 38-day referendum calendar, including polling day, April 27
- ◆ Qualification of electors: to be eligible to vote, the elector must be domiciled in Nunavik for one year or reside outside of Nunavik and be an Inuit Beneficiary of the JBNQA
- ◆ Drawing and revision of the referendum list
- ◆ Option to vote by mail for electors outside Nunavik
- ◆ Vote at Raglan mine
- ◆ Vote in the office of the local returning officer
- ◆ Advance poll
- ◆ Vote at the elector's domicile for electors unable to move about
- ◆ Vote in residential centres
- ◆ Vote by incarcerated electors, in accordance with conditions established by the chief returning officer
- ◆ A polling station in Montréal, in the office of the local returning officer for Montréal
- ◆ Vote on polling day and measures applicable to the counting of the votes and the validation of the results
- ◆ Funding rules to ensure the transparency and fairness of the referendum process:
 - Only electors or groups of electors may incur expenses to promote their point of view
 - Electors and groups of electors must register with the local returning officer
 - Expenses are limited to \$1 per elector registered in the territory
 - The registered intervenor must produce a report of referendum expenses

A copy of the Referendum Rules is included in Appendix 7 of this report.

Assistance Assistance and consultation for the chief returning officer Consultation

Swearing in the chief returning officer

The chief returning officer, Mr Adamie Padlayat, was appointed by the Makivik Corporation after consultation with the Parties to the Agreement and sworn in by the Chief Electoral Officer of Québec at a ceremony in the DGEQ offices on December 16, 2010.

The swearing-in took place during a training session for the chief returning officer, in Québec City, from December 15 to 17, 2010. During the course of his stay, the chief returning officer learned more about the institution and took part in work meetings to develop the Referendum Rules.

Program of activities

In December 2010, the DGEQ established a program of referendum activities in order to plan each step of the referendum. This program included drafting the Referendum Rules and having them approved by the Parties, recruiting referendum staff, training the chief returning officer and local returning officers, preparing and translating the management tools, preparing and translating the election materials and forms, preparing and translating a communications plan and information tools for the electors and, finally, producing the list of electors domiciled in Nunavik and enrolled on the permanent electoral list.

This program of activities was largely based on the ones used by the DGEQ in preparation for provincial, municipal and school board elections. It established links between the various stages of the referendum preparations and offered an overview.

Development of management tools: instructions, memos, extranet, forms and referendum calendar

In order to support the chief returning officer and local returning officers in the exercise of their duties as the administrators of the poll, the DGEQ designed and wrote several management tools. The tools included a complete set of instructions (procedures manuals) for the referendum staff outlining the various conditions for the revision and voting, an extranet featuring all of the management tools and information documents, a detailed calendar indicating every action to be taken during the referendum period, as well as numerous forms. These management tools were all translated into English. They were given to the chief returning officer and local returning officers at a training activity held in Kuujjuaq on March 10, 2011.

The chart below presents the management tools that were prepared by the DGEQ for the local returning officers.

Management tools prepared for the local returning officers

- A referendum calendar centred on the April 27, 2011 polling day. This event planning and monitoring tool set out the legal deadlines to be met (in accordance with the Referendum Rules) and the activities to be carried out in relation to the referendum.
- Four documents titled “Directives to referendum officers”:
 - Directives to revisors
 - Instructions for the deputy returning officer and the poll clerk – Polling day
 - Directives to deputy returning officer and poll clerk:
 - Voting at the office of the local director of the referendum
 - Voting at the elector’s domicile
 - Advance polling
 - Voting in residential centres
 - Directives to the local director of the referendum of Montréal – Voting by mail

These documents were produced to help train the election officers and to ensure procedures were followed.
- Two checklists:
 - The vote, step-by-step
 - The counting, step-by-step

These documents, produced for the polling station personnel, present the steps to follow for these activities in a simple and orderly fashion.
- Thirty-five forms required for activities related to the creation and revision of the referendum lists and the conduct of the poll.
- Fourteen memos explaining the procedures to follow for the different steps of the referendum process.
- A list of electors produced for computerized tests (fictitious data).
- An official list of electors domiciled in Nunavik for one year or more.

Training for the chief returning officer and local returning officers

The DGEQ held a training activity for the chief returning officer and local returning officers on March 10, 2011, in Kuujjuaq. Most of the secretary-treasurers for the Inuit villages, who were appointed to serve as local returning officers, as well as the local returning officer for the Montréal office, took part in this activity. This activity gave them the opportunity to learn about the main Referendum Rules and the management tools prepared for them.

Organization of operations: Coordination structure and operational committee

At the beginning of the referendum period, the DGEQ set up an operational committee. The committee maintained regular contact, by conference call, with the chief returning officer and local returning officer of the Montréal office. The General Secretariat of the Chief Electoral Officer of Québec coordinated this committee.

A one-day coordination meeting was held on April 13, in Montréal for the regional referendum director, the local returning officer of the Montréal office and the DGEQ operational committee.

The DGEQ also helped the chief returning officer organize two conference calls with the local returning officers. The first conference call took place on April 18, just before the advance poll, and the second took place the day before polling day. These conference calls allowed the participants to review the activities that had to be carried out at these key moments and answer the questions of the local returning officers.

Furthermore, at each step of the referendum calendar, the DGEQ prepared a memo for the chief returning officer to be given to the local returning officers. These memos, of which a total of 14 were written, reminded the referendum officers of actions to take at specific times.

To help the local returning officer of the Montréal office, the DGEQ appointed an electoral operations specialist to work with her on site. Her duties included helping with the drawing and revision of the referendum list and participating in the voting operations.

Finally, the DGEQ advised the tripartite negotiation table and the chief returning officer on the application of the referendum funding rules.

Appointment of members of the Honorary Tribunal

In compliance with the provisions of the draft Final Agreement, the Chief Electoral Officer appointed the members of the Honorary Tribunal, after consultation with Makivik Corporation.

The Honorary Tribunal was responsible for ruling on any dispute, proceeding or complaint related to the conduct of the referendum, with the exception of a decision rendered under sections 3, 8 or 170 of the Referendum Rules.

Initially, the Chief Electoral Officer designated the following people to sit on the Honorary Tribunal:

- Mary Pilurttut, mayor of Kangiqsujuaq
- Paul Parsons, mayor of Kuujjuaq
- Aisara Kenuajuak, mayor of Puvirnituaq

Following the withdrawal of Mayors Parsons and Kenuajuak, two other members were appointed:

- Peter Angnatuk, mayor of Tasiujaq
- Sarollie Weetaluktuk, mayor of Inukjuak

As no proceedings or disputes were brought to the attention of the Honorary Tribunal, it was not obliged to meet.

Referendum list

The Referendum Rules stipulated that the referendum list would be established in two successive steps: drawing and revision.

In the drawing step, the local returning officers were to start with the list of electors domiciled in Nunavik, as provided by the Chief Electoral Officer of Québec (DGEQ), and add the Inuit Beneficiaries of the James Bay and Northern Québec Agreement living in their villages but not on the DGEQ list.

After creating the referendum list, each local returning officer was to place it at the village office and make it available for consultation. At this stage, the local returning officers were also expected to prepare a list of Inuit Beneficiaries associated with their village but domiciled outside Nunavik and send it to the local returning officer for the Montréal office, who was in charge of the vote for electors living outside Nunavik.

The referendum lists prepared by the local returning officers were then submitted for revision. In this second step, a board of revisors made up of a president and a revisor was created in each village. Applications for entry, amendment or striking off were presented to the boards between April 11 and 14, although the boards continued to sit until April 15.

For the revision of the list of electors outside Nunavik, the local returning officer for the Montréal office was to have addressed a notice of revision to each elector registered on the list. This provision of the Referendum Rules had to be modified by a special decision of the Chief Electoral Officer due to the inability of the local returning officer of the Montréal office to access addresses for the majority of the

electors outside Nunavik and, by extension, the impossibility of sending them a notice of revision by mail.

Certain problems were encountered during the creation and revision of the referendum list, inducing the Chief Electoral Officer to use the powers invested in him by section 169 of the referendum rules and make a special decision to allow the local returning officers to use, in addition to the lists already described by the Referendum Rules, the electoral list used in the last municipal elections and updated at the time of that poll.

Furthermore, the list of electors outside Nunavik was to have been prepared by the local returning officer of the Montréal office from lists given to her by the local returning officers and showing the names of all Inuit Beneficiaries associated with each village and domiciled outside Nunavik.

The Chief Electoral Officer was obliged to make a special decision to authorize the local returning officer of the Montréal office to use the list of Inuit Beneficiaries of the James Bay and Northern Québec Agreement from the Nunavik Enrolment Office as the list of electors outside Nunavik. This decision was motivated by the fact that none of the fourteen local returning officers submitted a list of Inuit Beneficiaries associated with their village but domiciled outside Nunavik.

At the end of the revision period, every local referendum director had produced, in his capacity of secretary-treasurer of a northern village, a declaration attesting to the number of electors registered for his village. The referendum list included a total of 7,881 registered electors.

Special decisions

Application of section 169 of the Referendum Rules: Special Decisions

Section 169 of the Referendum Rules provides for powers of intervention for the Chief Electoral Officer in the event of an error, emergency or exceptional circumstance. In this situation, the chief returning officer was to refer to the Chief Electoral Officer to amend the regulatory provision in question in order to realize its purpose. The Chief Electoral Officer would, in this case, notify the Parties to the Agreement of the decision that he planned to make and afterwards inform them, as well as the public, of the decision made.

The Chief Electoral Officer made three special decisions during the referendum period.

The first special decision, made on March 28, 2011, was to amend section 24 of the Referendum Rules in order to allow the local returning officer of the Montréal office to use all means necessary to try to contact and inform electors outside Nunavik of the conditions and dates of the revision when their address was not available.

This special decision was made necessary by the inability of the local returning officer of the Montréal office to access the addresses of the majority of the electors outside Nunavik and, by extension, the impossibility of mailing them the revision notices provided for in section 24.

The second special decision, on April 12, 2011, also concerned the electors outside Nunavik. This decision amended sections 19, 20, 21, 104 and 105 of the Referendum Rules to authorize the local returning officer of the Montréal office to use the Nunavik Enrolment Office's list of Inuit Beneficiaries of the James Bay and Northern Québec Agreement as the list of electors outside Nunavik. The Chief Electoral Officer had to make this decision because none of the fourteen local returning officers sent the local returning officer of the Montréal office a list of Inuit Beneficiaries associated with their village but living outside Nunavik.

The third and final special decision, made on April 13, 2011, dealt with the drawing and revision of the referendum list.

Major difficulties were encountered in the drawing of the referendum list by the local returning officers, even after the period planned on the referendum calendar for the drawing of the list. At the beginning of the revision period, faced with looming problems that threatened to impede subsequent referendum operations due to the high number of amendments to be made to the list, the Chief Electoral Officer decided to allow the local returning officers to use, in addition to the lists already allowed by the Referendum Rules, the electoral lists used in the last municipal elections and updated at the time of that poll.

Copies of these three special decisions made by the Chief Electoral Officer are provided in Appendix 4.

Communications plan and deployment

Communications

Information for the electors

The Chief Electoral Officer of Québec (DGEQ) prepared a communications plan to provide adequate information about the referendum to the electors. This plan is presented in Appendix 5.

The objectives of this communications plan were as follows:

- ◆ Incite voter interest and participation in the poll.
- ◆ Inform electors of their rights and obligations concerning funding rules and control of election expenses.
- ◆ Inform electors of the obligation to be registered on the referendum list in order to vote.
- ◆ Inform electors about special mechanisms established to facilitate voting (vote outside Nunavik, postal vote, vote by incarcerated electors, vote at the office of the local referendum director, vote at home, mobile vote, vote in health care establishments, advance vote).
- ◆ Support the regional referendum director in providing information to the electors.

The DGEQ developed and produced a complete set of information tools, including a microsite, posters, an elector's manual, radio messages, messages for publication in the northern weekly *Nunatsiaq News* (paper and online) and press releases. The institution also provided media relations services to answer journalists' questions about the referendum.

The print documents and website texts were translated into English and Inuktitut, and the radio messages were provided in French and English to the chief returning officer, who personally took charge of delivering them in Inuktitut on the community radio stations and the local CBC station.

The microsite, accessible from the DGEQ homepage, provided full information for Nunavik electors, electors outside Nunavik and public and private organizations interested in the referendum.

Information tools produced

Brochures	<ul style="list-style-type: none">• Elector's manual (green)• Elector's manual for electors outside Nunavik (mauve)
Posters	<ul style="list-style-type: none">• Notice of referendum (orange)• Raglan mine vote (red)• Vote in residential centres (mauve)• Elector's manual for electors outside Nunavik (enlarged)
Print ads (<i>Nunatsiaq News</i>)	<ul style="list-style-type: none">• March 18: Notice of referendum• March 25: Nunavik funding rules• April 1: Electors outside Nunavik• April 8: Revision of the referendum list• April 15: Advance poll• April 22: Polling day
Radio messages	<ul style="list-style-type: none">• Pre-referendum funding rules• Notice of referendum and referendum funding rules• Call to electors outside Nunavik• Revision of the referendum lists• Advance poll• Referendum day poll
Nunavik referendum microsite – April 27, 2011	<ul style="list-style-type: none">• Electors in Nunavik• Electors outside Nunavik• Funding rules• Advertising campaign• Documentation• List of northern villages and their coordinates• Preliminary results and official results

Information tools produced

Press releases

- Pre-referendum funding rules
- Notice of referendum and referendum funding rules
- Revision of referendum lists
- Call to electors outside Nunavik
- Advance poll
- Referendum day poll
- Preliminary results
- Official results

Referendum materials

- Graphic design of 70 forms in English and French versions
- Adaptation of 9 envelopes for the counting of the votes
- Loan of provincial election materials: ballot boxes, polling booths, seals for envelopes and ballot boxes, carrier envelopes and envelopes for the postal vote
- Production of referendum ballots

Referendum materials and ballots

The DGEQ also provided the referendum materials needed for the polling and had the ballots printed. The following materials were sent to the office of the local returning officer for Montréal on March 18, 2011, in separate packages and in the quantities required for each village. The local returning officer for Montréal then sent it by plane to the local returning officers.

Referendum materials provided to the local returning officers

Identifier	Title of form/item	Format
NVK-12 -VF-VA	Certificate of conformity of the deposit referendum lists	Computer file
NVK-15.2-VF-VA	Are you entered on the referendum list?	Computer file
NVK-16-VF-VA	Application to amend the referendum list (Nunavik)	Computer file
NVK-16.1-VF-VA	Application to amend the referendum list – Elector unable to move about	Computer file
NVK-20-VF-VA	Notice to a person concerned by a decision made in his absence by the board of revisors	Computer file
NVK-24-VF-VA	Statement of entries made on the referendum list	Computer file
NVK-25-VF-VA	Statement of the strikings made on the referendum list	Computer file
NVK-26-VF-VA	Statements of the corrections made on the referendum list	Computer file
NVK-27-VF-VA	Certificate of the board of revisors	Computer file
NVK-36-VF-VA	Poll book (Advance polling)	Computer file
NVK-36-S-VF-VA	Poll book (Voting by mail – Outside Nunavik)	Computer file
NVK-40-VF-VA	List of electors registered to vote at their domicile	Computer file
NVK-45-VF-VA	Declarations required for the conduct of the polling	Computer file
NVK-46-VF-VA	Authorization for an elector whose name does not appear on the copy of the referendum list used at the polling station	Computer file
NVK-47-VF-VA	Poll book (Voting on polling day)	Computer file
NVK-49.1-VF-VA	Instructions to the elector on how to vote	Computer file

Referendum materials provided to the local returning officers

Identifier	Title of form/item	Format
NVK-56-VF-VA	Statement of poll	Computer file
NVK-60-VF-VA	Compilation sheet for the counting of votes	Computer file
NVK-64.1-VF-VA	Addition of the votes	Computer file
NVK-66-VF-VA	Final result of the poll	Computer file
NVK-221-VF-VA	(Funding) Referendum expense report	Computer file
NVK-280-VF-VA	(Funding) Declaration of pre-referendum expenses	Computer file
NVK-297.1-VF-VA	(Funding) List of registered intervenors for the referendum	Computer file
NVK-705-VF-VA	(Funding) Request to register as an intervenor (Electoral)	Computer file
NVK-706-VF-VA	(Funding) Request to register as an intervenor (Group)	Computer file
NVK-33-VF-VA	Env. – For receiving the ballot papers used in the poll	Paper
NVK-37-VF-VA	Env. – For receiving the referendum list used for advance polling (SMR-35)	Paper
NVK-50-VF-VA	Env. – For receiving spoiled or cancelled ballot papers	Paper
NVK-51-VF-VA	Env. – For receiving unused ballot papers	Paper
NVK-52-VF-VA	Env. – For receiving ballot papers rejected during the counting of the votes	Paper
NVK-53-VF-VA	Env. – For receiving ballot papers attributed to the YES option	Paper
NVK-53.1-VF-VA	Env. – For receiving ballot papers attributed to the NO option	Paper
NVK-58-VF-VA	Env. – For receiving the Statement of Votes	Paper

Referendum materials provided to the local returning officers		
Identifier	Title of form/item	Format
DGE-69.1	Ballot box	Paper
DGE-68	Polling booth	Paper
NVK-61-VF-VA	Env. – For receiving other forms (poll book, referendum list, authorizations to vote and statement of votes)	Paper
DGE-70.3-VB	Seals for the envelopes (borrowed from DGEQ reserve – Élections générales)	Paper
Ballots	Printing and technical specifications (ballot papers provided by printer)	Paper
	Illustrations for folding the ballot and sample ballot	Computer file
Postal vote	NVK-34.1-S-VB Application to register to vote by mail	Computer file
	NVK-34.2-S-VB Notice of rejection of an application to register to vote by mail	Computer file
	NVK_34.4-SR-VB Polling by mail – Instructions on how to vote	Computer file
		Computer file

Announcement of referendum results

At the request of the chief returning officer, the DGEQ set up, in its offices, on April 27, 2011, an operating structure to receive and announce the preliminary results of the poll. The local returning officers sent in their Statements of Votes by fax and confirmed the data by phone. As soon as the preliminary results were received, they were posted on the DGEQ website.

Results of the referendum

Results

Ratification process for the Final Agreement: Conditions to meet for the referendum to be conclusive

The ratification process for the Final Agreement on the Creation of the Nunavik Regional Government was an integral part of the draft Agreement. Under section 19.1.1 of the Agreement, approval by the government of Canada is subject to two conditions:

- That a majority of the votes cast in the referendum are in favour of the Agreement
- That this majority represents at least 25% plus one of all eligible voters

The number of registered electors was 7,881. Of these, 4,293 exercised their right to vote. The participation rate was 54.47%.

The preliminary results of the referendum, as compiled on the evening of April 27, 2001, were confirmed by the validation of the results. The addition of the vote took place on May 16, 2011, in the offices of the Chief Electoral Officer of Québec (DGEQ). The regional referendum director took part in the addition of the vote by phone from Inukjuak. The results were as follows:

- YES: 1,400
- NO: 2,842
- Rejected ballots: 51
- % of registered electors who voted YES: 17.76%

The Agreement was therefore rejected by the electorate. The text of the Final Agreement is provided in Appendix 8.

Here are the detailed results of the referendum:

**REFERENDUM ON THE CREATION OF THE NUNAVIK REGIONAL GOVERNMENT
RESULTS OF THE POLL ON APRIL 27, 2011**

VILLAGES	VALID BALLOTS			REJECTED BALLOTS		VOTES CAST ²	PARTICIPATION RATE ³	REGISTERED ELECTORS	REGISTERED ELECTORS WHO VOTED YES (%) ⁴	
	YES	NO	TOTAL NUMBER	TOTAL % ¹	NUMBER					% ¹
Kangiqsualujuaq	108	146	254	98.45	4	1.55	258	550	19.64	
Kuujuuaq	200	490	690	99.00	7	1.00	697	1,499	13.34	
Tasiujaq	45	62	107	97.27	3	2.73	110	150	30.00	
Aupaluk	28	32	60	100.00	0	0.00	60	80	35.00	
Kangirsuk	67	117	184	98.92	2	1.08	186	301	22.26	
Quaqtaq	36	93	129	99.23	1	0.77	130	174	20.69	
Kangirsujuaq	105	132	237	95.95	10	4.05	247	359	29.25	
Salluit	158	359	517	99.23	4	0.77	521	764	20.68	
Ivujivik	37	79	116	100.00	0	0.00	116	169	21.89	
Akulivik	66	131	197	97.52	5	2.48	202	321	20.56	
Puvirnituq	216	269	485	99.79	1	0.21	486	976	22.13	
Inukjuak	92	542	634	98.75	8	1.25	642	801	11.49	
Umiujaq	43	105	148	100.00	0	0.00	148	253	17.00	
Kuujuaraapik	71	102	173	98.30	3	1.70	176	403	17.62	
Raglan Mine	12	23	35	100.00	0	0.00	35	-5	-5	
Outside Nunavik	116	160	276	98.92	3	1.08	279	1,081	10.73	
TOTAL	1,400	2,842	4,242	98.81	51	1.19	4,293	7,881	17.76	

1. The percentages of valid and rejected ballots are established by dividing, in each case, the number of valid or rejected ballots by the total votes cast.
 2. The number of votes cast is obtained by adding the number of valid ballots and the number of rejected ballots.
 3. The voter turnout is established by dividing the number of votes cast by the number of registered electors.
 4. Approval of the Agreement is conditional on having a majority of the votes cast in the referendum be in favour of the Agreement and on this majority representing at least 25% plus 1 of all eligible electors.
 5. The electors who voted at the Raglan Mine were registered in different villages.
- Note: The percentages shown in the presentation table are rounded to two decimal places, which explains why the totals do not all equal 100%.

Financial report

Costs assumed by the Chief Electoral Officer

The costs assumed by the Chief Electoral Officer of Québec (DGEQ) for the referendum on the creation of the Nunavik Regional Government total \$79,326. This amount does not include the regular remuneration of the DGEQ staff, or the overtime compensated in time. The chart below provides details of the expenses paid.

Nunavik Referendum			
Total expenses assumed by the DGEQ			
Description of the expense	Type of goods or services	Amount of the expense	
		2010-2011 \$	2011-2012 \$
Remuneration of DGEQ personnel	Overtime paid	1,011	2,539
Remuneration of electoral officers	Regular time	3,500	92
Total remuneration		4,511	2,631
Travel costs claimed	Accommodations, meals, travel, plane	5,976	5,047
Telecommunications services	Phone rental		129
Office supplies	Purchase of envelopes	178	
Postal costs	Expedition of various documents by Express Mail	324	
Courier service	Transportation of election materials to Montréal	961	
Professional services	Translation of various documents	13,082	1,031
Information services for the electors	Promotion and advertising in newspapers, information documents, posters, brochures	22,648	14,314
Hosting of the "Mon vote" website	Web hosting		5,656
Printing services	Design and printing of election materials (referendum calendar, ballots, envelopes)	2,829	9
Total operations		45,998	26,186
Total expenses		50,509	28,817
Total cost		79,326	

Note: The overtime compensated in time, worked by DGEQ employees, not included in these calculations, is evaluated at \$11,924.

Expenses

Pre-referendum and referendum expenses

Based on the principles of transparency and fairness, anyone was allowed to explain the content of the Agreement or express their point of view on the Agreement. A report had to be produced subsequently to account for the expenses incurred and the sources of funding used.

Publically, only the Parties to the Agreement incurred expenses for an informational tour. This informational tour was made in the pre-referendum period by the negotiators representing the Parties.

During the referendum period, however, the two basic principles on which the Rules were founded limited the right to incur referendum expenses to electors or groups of electors registered as intervenors.

The specific context of very extensive use of community radio across the territory of Nunavik and the fact that interventions could be made by the public at no cost during regular programming may explain why no applications for intervenor status were received by the local returning officers.

Appendices

Appendice 1

Nunavik



Appendice 2

Ballot

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ᐃᓄᓯᓐᐱᓪ ᐃᓄᓯᓐᐱᓪ ?

Approuvez-vous
l'Entente finale
sur la création du
gouvernement régional
du Nunavik?

Do you approve the
Final Agreement on
the creation of the
Nunavik Regional
Government?

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OUI
YES

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NON
NO

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Initiales du scrutateur
Deputy returning officer's initials

ᐃᓄᓯᓐᐱᓪ 27, 2011
le 27 avril 2011
April 27, 2011

Imprimerie Provinciale Inc.
185, boulevard des Cèdres
Québec (Québec)

Appendice 3

Referendum calendar



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
March 13, 2011	March 14, 2011	March 15, 2011	March 16, 2011	March 17, 2011	March 18, 2011	March 19, 2011
45 day	44 day	43 day	42 day	41 day	40 day	39 day
Last day to appoint the assistant to the local director of the referendum (s. 10) Posting of the list of referendum officers at the office of the regional director of the referendum and of each local director of the referendum (northern villages and Montréal) as they are appointed	Transmission by the DGE of the list of electors entered on the PLE who are domiciled on the territory of Nunavik to the regional director of the referendum (s. 16) Last day for the regional director of the referendum to appoint the local director of the referendum (Montréal) (s. 10)		Last day for the regional director of the referendum to send the local directors of the referendum (northern villages) the list received from the DGE (s. 17) First day for incorporating in the list of electors domiciled in Nunavik, by each local director of the referendum (northern villages), the names of the JBNQA beneficiaries domiciled in their respective locality, who are not already entered on the list of the DGE (s. 18)		Last day for each local director of the referendum (northern villages) to send the local director of the referendum (Montréal) the list of JBNQA beneficiaries outside Nunavik (s. 20)	
March 20, 2011	March 21, 2011	March 22, 2011	March 23, 2011	March 24, 2011	March 25, 2011	March 26, 2011
38 day	37 day	36 day	35 day	34 day	33 day	32 day
	Start of the referendum period (s. 80) Give the notice of referendum (regional director of the referendum) (s. 81) Last day for the local director of the referendum (Montréal) to send electors outside Nunavik a personalized notice of entry informing them of the revision process (s. 24) Last day for the local director of the referendum (Montréal) to inform electors outside Nunavik or inmates of the right to vote by mail (personalized mailing) (s. 103)					
March 27, 2011	March 28, 2011	March 29, 2011	March 30, 2011	March 31, 2011	April 1, 2011	April 2, 2011
31 day	30 day	29 day	28 day	27 day	26 day	25 day
April 3, 2011	April 4, 2011	April 5, 2011	April 6, 2011	April 7, 2011	April 8, 2011	April 9, 2011
24 day	23 day	22 day	21 day	20 day	19 day	18 day
	Delivery of the ballot papers by the DGE to the local director of the referendum (Montréal)			Last day to incorporate in the list of electors domiciled in Nunavik, by each local director of the referendum (northern villages), the names of JBNQA beneficiaries domiciled in their respective locality, who are not already entered on the list of the DGE (s. 18) Last day for the local director of the referendum (Montréal) to draw up the list of JBNQA beneficiaries domiciled outside Nunavik (s. 19) Deposit of the referendum list (available for consultation) (s. 19) Last day, for each local director of the referendum (northern villages and Montréal), to transmit the copy of the deposited referendum list to the regional director of the referendum (s. 21)	Last day for each local director of the referendum (northern villages) to inform electors of the revision process and the places where the list may be consulted (radio advertisement, posters, newspapers) (s. 24) Last day for the regional director of the referendum to have distributed to each dwelling an information manual (s. 86) Last day to receive, by the local director of the referendum (Montréal), a written application to vote by mail (electors outside Nunavik or inmates) (s. 104)	Draw up the list of electors having asked to vote by mail (local director of the referendum, Montréal) (s. 154) Identify on the referendum list the names of the electors who asked to vote by mail (local director of the referendum, Montréal) (s. 154)
April 10, 2011	April 11, 2011	April 12, 2011	April 13, 2011	April 14, 2011	April 15, 2011	April 16, 2011
17 day	16 day	15 day	14 day	13 day	12 day	11 day
	First day to make an application for entry, striking or amendment to the referendum list to the board of revisors, during regular office hours (northern villages and Montréal) (s. 25) Last day to send the ballot papers to electors outside Nunavik or inmates who asked to vote by mail by the local director of the referendum (Montréal) (s. 105) Last day to receive the declarations of the amounts spent during the pre-referendum period with their sources of financing (s. 40)			Last day to make an application for entry, striking or amendment to the referendum list to the board of revisors, during regular office hours (northern villages and Montréal) (s. 26) Last day to ask the local director of the referendum (northern villages) to vote at one's domicile (s. 94)	Last day of the work of boards of revisors (northern villages and Montréal) (s. 25) Last day to exchange between local directors of the referendum the decisions made by boards of revisors (s. 36)	Last day, for each local director of the referendum (northern villages and Montréal), to transmit a copy of the revised referendum list to the regional director of the referendum (s. 37) First day to publicize voting (radio, newspapers, posters)
April 17, 2011	April 18, 2011	April 19, 2011	April 20, 2011	April 21, 2011	April 22, 2011	April 23, 2011
10 day	9 day	8 day	7 day	6 day	5 day	4 day
Entry into effect of the referendum list	Voting at Raglan Mine, from 8 a.m. to 2 p.m. (s. 99) Transmission, by the regional director of the referendum, of the names of the electors having voted at Raglan Mine to each local director of the referendum (northern villages) (s. 100) Last day to publicize advance polling (places, date and times) (s. 88)	Voting at the office of the local director of the referendum (northern villages and Montréal), during regular office hours (s. 98) Voting by inmates, where applicable (local director of the referendum, Montréal) (s. 109)	Voting at one's domicile, from 8 a.m. to 12 noon (northern villages) (s. 94) Advance polling (1 p.m. to 8 p.m.) (s. 87) Voting by inmates, where applicable (local director of the referendum, Montréal) (s. 109)	Voting at the office of the local director of the referendum (northern villages and Montréal), during regular office hours (s. 98) Voting by inmates, where applicable (local director of the referendum, Montréal) (s. 109)	Voting at the office of the local director of the referendum (northern villages and Montréal), during regular office hours (s. 98) Voting by inmates, where applicable (local director of the referendum, Montréal) (s. 109)	
April 24, 2011	April 25, 2011	April 26, 2011	April 27, 2011	April 28, 2011	April 29, 2011	April 30, 2011
3 day	2 day	1 day	Polling day			
	Voting in residential centres, at the times determined by the local director of the referendum (northern villages) (s. 97)		Voting (9:30 a.m. to 8 p.m.) (s. 79-119) Last day at 8 p.m. to receive the ballot papers by mail by the local director of the referendum (Montréal) (s. 108) Counting of the votes at 8 p.m. (s. 101-140-142-157) Communication of the preliminary results by each local director of the referendum (northern villages and Montréal) to the regional director of the referendum (s. 160)	Addition of the votes by the regional director of the referendum, on the day, at the time and at the place that he determines (s. 161) Communication of the results of the addition of the votes by the regional director of the referendum to any person who requests it (s. 163).		
May 1, 2011	May 2, 2011	May 3, 2011	May 4, 2011	May 5, 2011	May 6, 2011	May 7, 2011
May 27, 2011		July 1, 2011				
30 days after the counting of the votes		60 days after the addition of the votes				
Last day for each local director of the referendum to transmit an event report to the regional director of the referendum (s. 164)		Last day for the regional director of the referendum to transmit an event report to the DGEQ and all referendum documents (s. 165-166)				

Period for making an application to the board of revisors
 Voting at Raglan Mine
 Special voting (voting at the office of the local director of the referendum and voting by inmates)

Voting at one's domicile
 Voting in residential centres
 Voting by mail for electors outside Nunavik or inmates

Appendice 4

Special decisions

**Decision concerning the notice of revision
to electors outside Nunavik**

**DECISION OF THE CHIEF ELECTORAL OFFICER
PURSUANT TO THE POWERS CONFERRED UPON HIM
BY SECTION 169 OF THE REFERENDUM RULES
CONCERNING THE NOTICE OF REVISION
TO ELECTORS OUTSIDE NUNAVIK**

WHEREAS the Nunavik Regional Government Final Agreement provides that the Agreement is subject to the approval of Nunavik residents by means of a referendum;

WHEREAS the Agreement provides that the parties to the Agreement must adopt *Referendum Rules* to structure the holding of the referendum;

WHEREAS the parties to the Agreement adopted the *Referendum Rules* on February 25, 2011;

WHEREAS the referendum has been set for April 27, 2011;

WHEREAS, pursuant to section 20 of the *Referendum Rules*, every local referendum returning officer must send a list of the beneficiaries from his or her locality who live outside Nunavik to the Montreal local referendum returning officer, so that he or she may draw up a list of the electors living outside Nunavik;

WHEREAS, pursuant to the second paragraph of section 24 of the *Referendum Rules*, the Montreal local referendum returning officer must send a notice of revision to every elector entered on the referendum list outside Nunavik, no later than the 37th day preceding the day of the poll;

WHEREAS the list sent to the Montreal local referendum returning officer does not include the address of the elector in virtually every case;

WHEREAS the Montreal local referendum returning officer cannot, in the majority of cases, apply the second paragraph of section 24 of the *Referendum Rules*;

WHEREAS section 169 of the *Referendum Rules* allows the Chief Electoral Officer to adapt a provision of the *Referendum Rules* when he has been informed by the regional referendum returning officer that it does not fit the requirements of the situation due to an exceptional circumstance;

WHEREAS the parties to the Agreement have agreed that the Secretary General of the Chief Electoral Officer shall exercise the powers conferred by section 169 of the *Referendum Rules* in the place and stead of the Chief Electoral Officer for the period from March 24, 2011 to April 4, 2011, inclusively;

WHEREAS the Secretary General has been informed by the regional referendum returning officer of the situation concerning the application of the second paragraph of section 24 of the *Referendum Rules*;

WHEREAS the Secretary General has first informed the parties to the Agreement of the decision he intends to make;

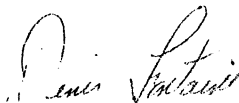
The Secretary General of the Chief Electoral Officer, pursuant to the powers stipulated in section 169 of the *Referendum Rules*, had decided to adapt section 24 of the *Referendum Rules*.

For the purposes of this decision, section 24 of the *Referendum Rules* is amended by adding the following paragraph after the second paragraph:

“Where the address of an elector contemplated in the second paragraph is not available, the local referendum returning officer at the Montreal office shall take all the necessary steps to attempt to contact and inform each elector of his or her entry on the referendum list, until the end of the period stipulated for the filing of an application with a board of revisors, while ensuring the protection of personal information concerning that elector.”

This decision takes effect on March 28, 2011

The Secretary General of the Chief Electoral Officer,



Denis Fontaine

Québec City, March 28, 2011

**Decision concerning the referendum list
of the electors outside Nunavik**

**DECISION OF THE CHIEF ELECTORAL OFFICER
UNDER THE POWERS VESTED IN HIM
BY ARTICLE 169 OF THE REFERENDUM RULES
CONCERNING THE REFERENDUM LIST
OF THE ELECTORS OUTSIDE NUNAVIK**

WHEREAS the Final Agreement concerning the Creation of the Nunavik Regional Government stipulates that the agreement shall be submitted to the approval of the residents of Nunavik by means of a referendum;

WHEREAS the Agreement provides for the adoption by the parties to the Agreement of *Referendum rules* to govern the holding of the referendum;

WHEREAS the parties to the Agreement adopted the *Referendum rules* on February 25, 2011;

WHEREAS the referendum has been set for April 27, 2011;

WHEREAS under article 20 of the *Referendum rules*, each local director of the referendum who acts respectively in each of the fourteen northern villages shall transmit to the local director of the referendum of Montréal the list of Inuit beneficiaries of the James Bay and Northern Québec Agreement who are domiciled outside Nunavik so that the latter draws up the list of electors outside Nunavik;

WHEREAS none of the fourteen directors has sent this list;

WHEREAS as the result of this situation, the local director of the referendum of Montréal cannot draw up the list of electors outside Nunavik;

WHEREAS under article 25 of the *Referendum rules*, the revision period begins on April 11, 2011;

WHEREAS the Nunavik Enrollment Office created within the Makivik Corporation under *An Act respecting Cree, Inuit and Naskapi Native Persons* (R.S.Q., c. A-33.1) keeps up-to-date the register of Inuit beneficiaries of the James Bay and Northern Québec Agreement;

WHEREAS this register, up-to-date as of January 1, 2011, contains the list of Inuit beneficiaries of the James Bay and Northern Québec Agreement who are domiciled outside Nunavik;

WHEREAS the parties to the Agreement have agreed to use the list of Inuit Beneficiaries of the James Bay and Northern Québec Agreement of the Nunavik Enrollment Office to draw up the list of electors outside Nunavik;

WHEREAS the beneficiaries enrolled on this list meet the conditions set out in article 1 of the *Referendum rules* to possess a qualified elector status;

WHEREAS the electors outside Nunavik wishing to exercise their right to vote by mail have not been able to send their application within the time limit stipulated in articles 104 and 105 of the *Referendum rules* given that the list of electors outside Nunavik was not drawn up;

WHEREAS article 169 of the *Referendum rules* allows the Chief Electoral Officer to adapt a provision of the *Referendum rules* when he has been informed by the regional director of the referendum that as the result of an exceptional circumstance, it does not fit the requirements of the situation;

WHEREAS the Chief Electoral Officer has been informed by the regional director of the referendum of the situation concerning the list of Inuit beneficiaries of the James Bay and Northern Québec Agreement who are domiciled outside Nunavik;

WHEREAS the Chief Electoral Officer has informed beforehand the parties to the Agreement of the decision that he plans to make;

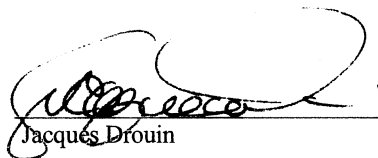
The Chief Electoral Officer, under the powers stipulated in article 169 of the *Referendum rules*, has decided to adapt the provisions of articles 19, 20, 21, 104 and 105 of the *Referendum rules* concerning the referendum list and the outside Nunavik voting as follows:

1. The preamble forms an integral part of this decision;
2. The local director of the referendum of Montréal is authorized to consider the list of Inuit beneficiaries of the James Bay and Northern Québec Agreement of the Nunavik Enrollment Office as being the list of electors outside Nunavik;
3. The local director of the referendum of Montréal shall deposit the list of electors outside Nunavik and shall transmit a copy thereof to the regional director of the referendum not later than April 11, 2011;

4. Article 104 of the Referendum rules is amended by deleting "not later than the 19th day preceding that of the poll";
5. Article 105 of the Referendum rules is amended by deleting "that reached him not later than the 19th day preceding that of the poll".

This decision shall take effect on April 12, 2011

The Chief Electoral Officer of Québec,



Jacques Drouin

Québec, April 12, 2011

**Decision regarding the drawing up and
revision of the referendum list**

**DECISION OF THE CHIEF ELECTORAL OFFICER
UNDER THE POWERS VESTED IN HIM
BY SECTION 169 OF THE REFERENDUM RULES
REGARDING THE DRAWING UP AND
REVISION OF THE REFERENDUM LIST**

WHEREAS the Final Agreement concerning the Creation of the Nunavik Regional Government stipulates that the agreement shall be submitted to the approval of the residents of Nunavik by means of a referendum;

WHEREAS the Agreement provides for the adoption by the parties to the Agreement of *Referendum rules* to govern the holding of the referendum;

WHEREAS the parties to the Agreement adopted the *Referendum rules* on February 25, 2011;

WHEREAS the referendum has been set for April 27, 2011;

WHEREAS the *Referendum rules* stipulate that each local director of the referendum draws up the referendum list of his community by adding to the list of electors domiciled in Nunavik provided by the Chief Electoral Officer the Inuit beneficiaries of the James Bay and Northern Québec Agreement who are domiciled there;

WHEREAS major difficulties were encountered within the context of the drawing up of the referendum list by the local directors of the referendum and subsist in some cases at the end of the period for drawing up the referendum list;

WHEREAS it is expected that a large number of changes will have to be made to the referendum list during the referendum period;

WHEREAS the difficulties encountered during the drawing up of the referendum list could interfere with subsequent referendum operations;

WHEREAS under *An Act respecting Northern Villages and the Kativik Regional Government* (R.S.Q., c. V-6.1), the secretary-treasurer of each community draws up a municipal list of electors for the purposes of municipal elections;

WHEREAS the municipal list of electors prepared for the 2009 municipal elections has been updated since then by each secretary-treasurer;

WHEREAS the revision process is currently under way;

WHEREAS the parties to the Agreement as well as the regional director of the referendum have agreed that it was necessary to use, in addition to the list provided by the Chief Electoral Officer and the list of the Inuit beneficiaries of the James Bay and Northern Québec Agreement, the municipal list of electors of each community for the purposes of drawing up the referendum list and of facilitating the revision process ordered by the *Referendum rules* since it is feared that a large number of electors are not likely to move about to submit an application in person;

WHEREAS article 169 of the *Referendum rules* allows the Chief Electoral Officer to adapt a provision of the *Referendum rules* when he has been informed by the regional director of the referendum that as the result of an exceptional circumstance, it does not fit the requirements of the situation;

WHEREAS the Chief Electoral Officer has been informed by the regional director of the referendum of the situation concerning the revision of the referendum list and the applications for revision;

WHEREAS the Chief Electoral Officer has informed beforehand the parties to the Agreement of the decision that he plans to make;

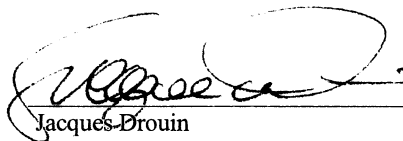
The Chief Electoral Officer, under the powers stipulated in article 169 of the *Referendum rules*, has decided to adapt the provisions of Title III as well as articles 27 to 30, 32 and 33 of the *Referendum rules* as follows:

1. The preamble forms an integral part of this decision;
2. The secretary-treasurer and the local director of the referendum of each community is authorized to use the updated 2009 municipal list of electors to draw up the referendum list of the community;
3. The secretary-treasurer and the local director of the referendum of each community is authorized to add the names of electors who, to his knowledge, are domiciled on the territory of the community or to strike the names of electors who, to his knowledge, are not domiciled on the territory of the community or who are deceased;

4. The secretary-treasurer and the local director of the referendum of each community shall attest, by means of a declaration to this effect, to the conformity of the changes made to the referendum list;
5. An application for revision may be submitted by telephone.

This decision shall take effect on April 13, 2011

The Chief Electoral Officer of Québec,



Jacques Drouin

Québec, April 13, 2011

Appendice 5

Communications plan

Plan de communication

Référendum au Nunavik

Mise en contexte

En matière de développement politique, l'autonomie gouvernementale au Nunavik fait son chemin depuis la signature de la Convention de la Baie-James et du Nord québécois (CBJNQ) en 1975.

Bien que les Inuit aient tenté à plusieurs reprises au début des années 1990 de négocier l'établissement d'un gouvernement, les négociations qui avaient été entamées ont soit échoué, soit été mises en veilleuse.

Les négociations sur l'autonomie gouvernementale au Nunavik ont officiellement été relancées avec les gouvernements fédéral et provincial en 2002.

Puis, le 5 décembre 2007, les Inuit du Québec, le gouvernement du Québec et le gouvernement du Canada ont signé à Québec une Entente de principe sur la création d'un gouvernement régional au Nunavik.

Selon l'Entente de principe, l'Assemblée du Nunavik sera constituée d'au moins 20 représentants. Quatorze seront élus sur la base de leur communauté et cinq autres seront élus par l'ensemble des électeurs du Nunavik et formeront le Conseil exécutif. Enfin, le chef de la communauté Naskapi sera d'office représentant et siègera à l'Assemblée.

L'Entente de principe prévoit la fusion de trois organismes créés en vertu de la CBJNQ, soit l'Administration régionale Kativik (ARK), qui a les pouvoirs limités d'une municipalité, la Commission scolaire Kativik (CSK) et la Régie régionale de la santé et des services sociaux du Nunavik (RRSSSN), pour créer une nouvelle structure gouvernementale régionale au Nunavik. Une fois le gouvernement régional du Nunavik en place, il est prévu dans l'Entente qu'il y aura des négociations pour le transfert de pouvoirs et de responsabilités additionnelles.

La Société Makivik croit que la fusion de ces organismes et la création d'une nouvelle structure gouvernementale auront pour effet d'améliorer les conditions de vie dans toutes les communautés du Nunavik grâce à la mise en commun des ressources humaines et financières.

L'autonomie gouvernementale n'aura pas pour effet de retirer des droits ancestraux aux Inuit du Nunavik.

Aucune date n'a encore été fixée pour la tenue de la première élection et de la première séance de l'Assemblée du Nunavik.

Maintenant qu'une Entente finale a été conclue avec les négociateurs du Québec et du Canada, cette entente sera présentée à la population du Nunavik qui doit l'approuver dans le cadre d'un référendum.

À la suite du référendum, les gouvernements du Québec et du Canada devront également approuver l'Entente de manière formelle.

Le gouvernement régional du Nunavik pourrait être créé quelque part en 2013.

Le Directeur général des élections a reçu de l'Assemblée nationale le mandat d'assister la Table de négociation tripartite en proposant les règles et les procédures nécessaires pour la première élection de l'Assemblée du Nunavik et si nécessaire pour les élections subséquentes, d'aider à l'organisation du référendum en vue de l'approbation de l'Entente finale par les résidents du Nunavik, et d'aider à l'organisation de la première élection de l'Assemblée du Nunavik.

Enjeux et problématique

La plupart des gens au Nunavik savent que des négociations se déroulent en ce moment pour la création éventuelle d'un gouvernement régional au Nunavik (GRN).

Il ne faut toutefois pas oublier que la lutte pour l'autonomie au Nunavik a commencé il y a longtemps, et qu'elle est faite de nombreux événements dont les plus jeunes du Nunavik ne peuvent se souvenir. En ce sens, on appréhende un désintérêt des jeunes pour se rendre aux urnes.

De la même façon, en raison de la faible opposition à l'approbation de l'Entente, plusieurs pourraient ne pas aller voter, croyant que c'est déjà gagné.

Objectifs

Susciter l'intérêt des électeurs ainsi que leur participation au vote.

Informers les électeurs de leurs droits et de leurs obligations quant aux règles de financement et au contrôle des dépenses électorales.

Informers les électeurs quant à l'obligation d'être inscrit sur la liste référendaire pour voter.

Informers les électeurs des mécanismes spéciaux mis en place pour faciliter le vote (vote hors territoire, vote par correspondance, vote des détenus, vote au bureau du directeur local du référendum, vote au domicile, vote itinérant, vote dans les installations de santé, vote par anticipation).

Appuyer le directeur régional du référendum quant à l'information à l'électeur.

Publics visés

Les quelque 7 800 électrices et électeurs visés par le référendum au Nunavik.

Le directeur régional du référendum et les directeurs locaux.

Le personnel des organismes fusionnés (ARK, CSK, RRSSSN)

Les partenaires potentiels, à déterminer (Société Makivik)

Stratégies

Élaborer une campagne publicitaire appuyée d'un plan media spécifique aux communautés inuites.

Avoir recours aux relations de presse.

Avoir recours aux relations publiques.

Avoir recours au marketing direct.

Avoir recours à l'Internet.

Offrir des outils d'information aux directeur régional et locaux du référendum sur l'extranet.

Utiliser des leaders de la communauté pour livrer les messages sur la participation au vote.

Axe de communication

« C'est important de voter au référendum du Nunavik, l'avenir de nos communautés en dépend. »

Moyens et outils pour les électrices et les électeurs

Publicité

6 messages radio :

Règles de financement préférendaires, avis du référendum et règles de financement, appel aux électeurs hors Nunavik, révision de la liste référendaire, vote par anticipation et vote le jour du scrutin.

6 messages imprimés :

Règles de financement préférendaires, avis du référendum et règles de financement, appel aux électeurs hors Nunavik, révision de la liste référendaire, vote par anticipation et vote le jour du scrutin.

Information

Ouverture d'un micro site événementiel

Électeurs du Nunavik, électeurs hors Nunavik, règles de financement, campagne publicitaire, documentation, liste des municipalités et leurs coordonnées, résultats préliminaires et résultats officiels.

2 dépliants

- Manuel de l'électeur (Nunavik)
- Manuel de l'électeur (hors Nunavik)

4 affiches

- Avis du référendum
- Vote à la mine Raglan
- Vote dans les centres d'hébergement
- Manuel de l'électeur hors Nunavik (agrandi)

Lettre

- Envoi personnalisé aux électeurs hors Nunavik

Centre de renseignements

Relations de presse

Émission de huit communiqués, (règles de financement préférendaires, avis du référendum et règles de financement, appel aux électeurs hors Nunavik, révision de la liste référendaire, vote par anticipation, vote le jour du scrutin, résultats préliminaires et résultats officiels.)

Réponse aux demandes des journalistes

Extranet à l'intention des directeurs régional et locaux du référendum

Documents opérationnels, financement, communication.

Calendrier de travail - Période référendaire : 21 mars au 27 avril 2011	
Approbation du plan de communication	Semaine du 17 janvier
Rencontre avec l'agence de publicité	Le 2 février
Présentation d'un plan de campagne par l'Agence (Création et médias)	Le 8 février
Page d'information Web sur les règles de financement	Le 14 février
Mise en ligne d'un micro site événementiel	Le 21 mars
Rédaction et traduction des documents d'information (affiches, dépliants, feuillet, lettres)	Du 2 au 23 février
Production graphique des documents d'information	Du 24 février au 7 mars
Impression des documents d'information	Du 8 au 15 mars
Livraison des documents au bureau de Montréal	Le 16 mars
Distribution du Manuel de l'électeur	Au plus tard le 8 avril
Envoi d'un message personnalisé pour informer les électeurs hors Nunavik de leur droit de voter par correspondance et des modalités référendaires	Le 21 mars
Conception, rédaction, traduction et production graphique des messages imprimés	Du 11 février au 20 avril
Rédaction et traduction des messages radios	Du 11 février au 20 avril
Affichage	Semaine du 21 mars
Diffusion des messages radio et imprimé et du communiqué « Avis du référendum »	Semaine du 21 mars
Diffusion des messages radio et imprimé et du communiqué « Règles de financement »	Semaine du 21 mars
Diffusion des messages radio et imprimé et du communiqué « Électeurs hors Nunavik »	Semaine du 28 mars
Diffusion des messages radio et imprimé et du communiqué « Révision de la liste référendaire »	Semaines du 4 et du 11 avril
Diffusion des messages radio et imprimé et du communiqué « Vote par anticipation »	Semaine du 18 avril
Diffusion des messages radio et imprimé et du communiqué « Vote le jour du scrutin »	Semaine du 25 avril
Budget	45 465
Conception et production du matériel d'information et placement publicitaire dans les journaux	36 962
Hébergement du microsite	5 656
Conception et impression du matériel électoral	2 838

Appendice 6

Operational committee established by the DGEQ

LE COMITÉ OPÉRATIONNEL MIS SUR PIED PAR LE DGEQ

Dans les semaines qui ont précédé le référendum, le Directeur général des élections du Québec (DGEQ) a mis sur pied un comité opérationnel afin de coordonner l'ensemble des activités référendaires au sein de l'institution. Ce comité était composé des personnes suivantes :

Simon Couture, Denis Fontaine, Michel Guimond, Brigitte Labbé, Monique Michaud, Denis Royer et Pierre Tessier.

Les membres du comité ont été appuyés par les nombreux collègues de l'ensemble des directions du DGEQ qui ont contribué à l'une ou l'autre des étapes du dossier, de 2008 à 2011.

Appendice 7

Referendum Rules

REFERENDUM RULES

**(FINAL AGREEMENT ON THE CREATION OF THE NUNAVIK REGIONAL
GOVERNMENT – 19.2)**

FEBRUARY, 2011

TITLE I

QUALIFIED ELECTORS

1. Every person who:

- (1) has attained 18 years of age,
- (2) is a Canadian citizen,
- (3) has been domiciled in Nunavik for one year or is residing outside Nunavik and is an Inuit beneficiary of the James Bay and Northern Québec Agreement,
- (4) is not under curatorship, and,
- (5) is not deprived of election rights,

is a qualified elector

2. To exercise his right to vote, a person must be a qualified elector on polling day and his name must be entered on the referendum list of the locality in which his domicile is situated.

Every person who is not an elector at the time of voting for the sole reason that he is not of full age and who will have reached the age of majority on the day set for the poll is deemed to be an elector at the time he votes.

Electors outside Nunavik must be registered on the referendum list of the Montréal office.

TITLE II

REFERENDUM OFFICERS

3. A chief returning officer shall be designated by Makivik Corporation after consulting the Parties to the Agreement.

4. The chief returning officer must be an elector within the meaning of these rules.

5. Upon taking up his duties, the chief returning officer shall make an oath before the Chief Electoral Officer of Québec according to the form in Schedule I.

6. The term of office of the chief returning officer shall end 180 days after the holding of the referendum.

7. The chief returning officer must see to the application and the interpretation of the rules and procedures related to the referendum. He shall ensure the training

of referendum officers and direct their work. For these purposes, the chief returning officer can issue directives.

8. If the chief returning officer is prevented from acting, Makivik Corporation shall appoint a new director after consulting the Chief Electoral Officer of Québec and the Parties to the Agreement.

9. The office of the chief returning officer shall be located in the village of Inukjuak.

10. The secretary-treasurer of each village shall act as local returning officer, deputy returning officer and president of the board of revisors. Each local returning officer shall appoint an assistant who also shall act as poll clerk and as revisor of the board of revisors.

If the secretary-treasurer is prevented from acting, the chief returning officer shall appoint the local returning officer.

The chief returning officer shall appoint the officers that he deems necessary for the smooth conduct of the referendum, notably the referendum officers in charge of polling operations at Raglan Mine and the local returning officer of the Montréal office.

11. Subject to the approval of the chief returning officer, in localities having 500 electors or more, the local returning officer shall appoint the officers of additional polling stations.

12. Referendum officers shall be chosen from among qualified electors.

13. Referendum officers must comply with the directives of the chief returning officer.

14. The tariff of remuneration and expenses of referendum officers shall be fixed in accordance with Schedule II.

15. No referendum officer may engage in partisan work on the days stipulated in these rules for the performance of his office.

TITLE III

REFERENDUM LIST

16. The Chief Electoral Officer of Québec shall send to the chief returning officer, not later than the 44th day preceding that of the referendum poll, the list of electors registered on the permanent list of electors who have the right to be entered on the referendum list.

17. The chief returning officer shall send to the local returning officers, not later than the 42nd day preceding that of the poll, the list of electors registered on the permanent list of electors who have the right to be entered on the referendum list.

18. The local returning officer shall draw up the referendum list of his locality by adding to the list of electors domiciled in Nunavik provided by the Chief Electoral Officer of Québec the Inuit beneficiaries of the James Bay and Northern Québec Agreement who are domiciled there.

19. After having completed the drawing up of the referendum list, each local returning officer shall deposit it at the office of the locality.

20. Each local returning officer shall transmit to the local returning officer of the Montréal office the list of beneficiaries of his locality who reside outside Nunavik, not later than the 40th day preceding that of the poll, so that the latter draws up the list of electors outside Nunavik.

21. Each local returning officer shall send a copy of the deposited referendum list to the chief returning officer, not later than the 20th preceding that of the poll, and shall make it available for consultation at his office.

22. All of the referendum lists drawn up constitute the official referendum list.

TITLE IV

REVISION OF THE REFERENDUM LIST

23. The board of revisors shall be composed of a president and a revisor.

24. Not later than 19th day preceding that of the poll, the local returning officer must notify electors of the referendum list revision procedure.

The local returning officer of the Montréal office shall send a revision notice to each elector entered on the referendum list outside Nunavik, not later than the 37th day preceding that of the poll.

25. A board of revisors shall be established for each of the localities.

Each board of revisors shall sit from the 16th to the 12th day preceding that of the referendum poll, during the regular office hours.

26. Every revision application must reach the board of revisors not later than the 13th day preceding that of the poll.

27. An elector who ascertains that he is not entered on the referendum list of his locality can appear before the board of revisors of the locality to make an application for entry.

28. An elector who knows that he is entered on the referendum list of a locality other than his own must, if he wishes to exercise his right to vote, appear before the board of revisors where he is entered. He must accompany his application for entry with an application for striking from the referendum list of the locality where he is already entered.

29. An elector who ascertains an error in the particulars concerning him found on the referendum list must appear before the board of revisors of his locality to make an application to amend the list.

30. A person who ascertains that he is entered on the referendum list of his locality when he does not have the right to be on the list must appear before the board of revisors of his locality to make an application for striking.

31. An elector who is the spouse or a relative of an elector or who lives with the elector can submit on his behalf any application concerning him.

In this section, "relative" means: the father, mother, grandfather, grandmother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, son, daughter, son-in-law, daughter-in-law, grandson, granddaughter.

32. An elector who ascertains that a person is entered on the referendum list of his locality when he does not have the right to be on the list can ask that this person be struck by appearing before the board of revisors.

The elector shall state that to his knowledge, the person whose striking he is requesting does not have the right to be entered on the referendum list of this locality.

33. Every application to amend the list presented before a board of revisors must be accompanied with a written declaration signed by the applicant.

An elector outside Nunavik or unable to move about for health reasons can send to the board of revisors of his locality such an application.

The board of revisors may require from the person who submits an application all necessary proof for decision-making.

Applications for entry must be accompanied with two documents of the category determined by the chief returning officer in support of the information found in the application.

34. The board of revisors shall immediately analyze the applications made to it and, in all cases where it is able to make an immediate decision, it shall communicate this decision to the elector. In case of striking or refusal to enter, the board of revisors shall allow the person concerned to be heard.

In all cases where the board of revisors makes a decision in the absence of the person concerned by the application or in the absence of the person making it, the board of revisors shall immediately notify in writing the elector or the person concerned of its decision.

The board of revisors may, on its own initiative or upon request, revise or revoke every decision that it has made to strike or to refuse to enter a person.

35. For revision purposes, in the event of disagreement between the revisors, the chief returning officer shall decide the matter.

36. Each board of revisors must send without delay a copy of its decision to the local returning officer of each locality affected by the decision rendered.

37. Each local returning officer shall transmit to the chief returning officer a revised referendum list not later than 11th day preceding that of the poll.

TITLE V

PRE-REFERENDUM RULES, PARTIES TO THE REFERENDUM AND CONTROL OF REFERENDUM EXPENSES

DIVISION I

PRE-REFERENDUM PERIOD

38. Prior to the beginning of the referendum period stipulated in section 80, the Parties and every other organization, individual, partnership or legal person can incur expenses notably to make all advertising and to organize information sessions in order to make known the content of the Agreement and, as the case may be, to promote their point of view regarding the adoption of this Agreement.

39. The chief returning officer shall promptly make available to every elector the Agreement and a summary thereof.

40. The Parties, as well as every individual, organization, government, partnership or other legal person other than the chief returning officer who will have, during the pre-referendum period, incurred expenses in order to make known the content of the Agreement or to promote his/its point of view must file a return that will list the amounts so spent as well as the sources of financing, not later than 16th day preceding that of the poll.

DIVISION II

REGISTRATION OF INTERVENORS

41. Only an elector or a group that does not have a legal personality and that is made up of natural persons who are qualified electors may be registered as an intervenor to incur referendum expenses.

42. To register, the elector must:

(1) indicate his name, his date of birth, the address of his domicile and his telephone number,

(2) declare that he is a qualified elector,

(3) indicate the point of view that he intends to promote regarding the Agreement,

(4) declare that he is not acting, whether directly or indirectly, on behalf of one of the Parties to the Agreement,

(5) state that, to his knowledge, he does not belong to a group of registered intervenors.

43. The registration form must be signed by the elector and contain a commitment by him to comply with the rules that are applicable to him.

44. For the purposes of registering a group of intervenors, the elector designated in the application to act as the representative shall submit a form in which he must:

(1) indicate the name of the group, where applicable, its address and telephone number, for communication purposes;

(2) indicate his name, his date of birth, the address of his domicile and his telephone number;

(3) indicate the name, the domiciliary address and the telephone number of the members of the group;

(4) declare that the members are qualified electors;

(5) indicate the point of view which the group intends to promote regarding the Agreement;

(6) declare that the group is not acting, whether directly or indirectly, on behalf of one of the Parties to the Agreement subject to referendum;

(7) declare that to his knowledge, no member of the group belongs to another registered group of intervenors.

45. The registration form must be signed by the elector designated in the application to act as representative and contain a commitment by him to comply with the rules that are applicable to him.

46. The registration form must be submitted to the office of the local returning officer of the locality in which is situated the domicile of the elector who wishes to incur referendum expenses. The application may be submitted from the start of the referendum period up to the day preceding that of the poll.

47. The local returning officer shall agree to register the intervenor when the form is completed and complies with the requirements of this division.

48. The local returning officer shall make public the list of registered intervenors.

49. This list shall indicate the name of the registered intervenor, that of its representative and the name of the group, where applicable, the registration date and the point of view that it intends to promote regarding the Agreement.

50. A registered intervenor or a member of a registered group of intervenors can only obtain this status once during the referendum period.

51. The representative of a registered group of intervenors can act in this capacity only for this group.

52. The representative of a registered group of intervenors who resigns must notify in writing the main leader of the group and the local returning officer. The representative must submit to the main leader of the group, in the five days following his resignation, a return of the expenses incurred, accompanied with vouchers as well as the balance of the sums collected which were not used to pay referendum expenses.

53. If the representative of a registered group of intervenors dies, resigns, is revoked or is prevented from acting, the main leader of the group shall appoint another representative and shall immediately notify, in writing, the local returning officer.

54. On his own initiative or upon request, the chief returning officer may withdraw the registration of a registered intervenor:

(1) if he ascertains that the registration form contains false or inaccurate information;

(2) if he ascertains that the registered intervenor or, as the case may be, his representative no longer has the required qualities to remain registered;

(3) if he ascertains that the registered intervenor or, as the case may be, his representative has contravened a provision of these referendum rules that are applicable to it/him.

55. Before withdrawing a registration, the chief returning officer must allow the registered intervenor to submit his/its observations or to make, where such is the case, the required corrections. In the case of a withdrawal, his decision must be in writing and motivated.

DIVISION III

REFERENDUM EXPENSES

56. A registered intervenor may not make or incur in common with anyone else an expense or incur by himself/itself an expense following an agreement, collusion or ties with anyone.

57. The cost of any goods or services used during the referendum period to promote or oppose, directly or indirectly, a point of view regarding the Agreement is a referendum expense.

58. In the case of goods or services used both during and before the referendum period, the part of the cost thereof which constitutes a referendum expense shall be established according to a method based on the frequency of use during the referendum period compared to the frequency of use before and during the referendum period.

59. The following are not referendum expenses:

(1) the cost of publishing articles, editorials, news, interviews, columns or letters to the editor in a newspaper, periodical or other publication, provided that they are published without payment, reward or promise of payment or reward, that the newspaper, periodical or other publication is not established for the purposes or in view of the referendum and that the circulation and frequency of publication are as what prevails outside the referendum period;

(2) the cost at fair market value of producing, promoting and distributing a book that was planned to be put on sale at the prevailing market price prior to the start of the referendum period;

(3) the cost of broadcasting by a radio or television station of a program of public affairs, news or commentary, provided that the program is broadcast without payment, reward or promise of payment or reward;

(4) the reasonable costs incurred by a person, out of his own money, for meals and lodging while traveling for referendum purposes, if they are not presented in the return of referendum expenses;

(5) the transportation costs of a person for the entire referendum period;

(6) the reasonable costs incurred for the publication of explanatory comments on these rules, provided that these comments are strictly objective and do not contain any publicity that promotes or opposes a point of view with respect to the referendum.

60. During a referendum period, only the registered intervenor or its representative in the case of a registered group of intervenors can incur or authorize referendum expenses.

61. A registered intervenor can only pay the cost of a referendum expense out of his own money or out of the own money of its members in the case of a registered group of intervenors.

62. No goods or services whose cost is wholly or partly a referendum expense may be used during the referendum period except by the registered intervenor or with his authorization.

63. No person may accept or execute an order for referendum expenses not given or authorized by the registered intervenor or its representative in the case of a registered group of intervenors.

64. No person may, for goods or services whose cost is wholly or partly a referendum expense, claim or receive a price different from the regular price for similar goods or services outside the referendum period nor may he accept a different remuneration or renounce payment.

65. A person may, however, contribute his personal services without remuneration and for no consideration, provided that he does so freely and not as part of his work in the service of an employer.

66. Any writing, object or advertising material relating to a referendum must bear the name of the printer or manufacturer and the name of the registered intervenor who had it produced.

Any referendum advertisement published or broadcast by a media or by means of any other information medium or technology must mention the name of the registered intervenor who had it published or broadcast.

67. No person may pay a referendum expense that is not justified by an itemized invoice. This invoice must indicate the goods or services furnished as well as their rate or unit price.

68. Referendum expenses must be limited so as to never exceed, for the registered intervenor during the referendum, \$1 per elector in all of the territory specified in the Agreement. This amount is established by the chief returning officer who shall draw up a certificate thereof and send a copy to the registered intervenors at the end of the referendum list revision periods.

69. For the purposes of section 68, the number of electors is the greater of the number of electors registered on the referendum list at the start of the referendum period and the number of electors registered after the revision period.

70. With the exception of the chief returning officer, no person may, on polling day, broadcast or have broadcast by a radio or television station or by a cable-distribution company or publish or have published in a newspaper or other periodical advertising dealing with the referendum.

DIVISION IV

RETURNS OF REFERENDUM EXPENSES

71. A registered intervenor or its representative must, in the 90 days following polling day, submit to the chief returning officer a return of referendum expenses that he incurred or authorized. This return must be accompanied with invoices, receipts or other vouchers or certified true copies of these documents as well as a declaration according to the form provided by the chief returning officer. This return must also indicate the elector's name, the full address of his domicile and the amount paid by each of the members in the case of a registered group of intervenors.

72. The chief returning officer shall make public a report containing the summary of the returns of referendum expenses in the 90 days following the expiry of the deadline for submitting them.

73. The return of referendum expenses must be accompanied with an itemized statement, according to the form provided by the chief returning officer, indicating the name and address of the creditors who omitted to submit their claim as well

as for each of these debts, the amount of the debt or an estimate thereof and the date on which the good or service was provided.

74. The Chief Electoral Officer of Québec shall keep the returns, declarations, invoices, receipts and other vouchers for a period of two years after their receipt. During this period, he must allow every elector to examine these documents and to make a copy thereof at the place that he designates for this purpose.

75. When an error is ascertained in a declaration or a return that has been filed, the registered intervenor may, up to the stipulated deadline for the filing of this declaration or return, correct this error.

76. After the prescribed deadline for filing the declaration or return, the registered intervenor must obtain leave from the chief returning officer to correct the error by establishing that it was made through inadvertence.

77. Before filing the return and declaration, the registered intervenor must have discharged all of the claims received unless he contests them and mentions them as such in the return or declaration.

78. No registered intervenor may pay a contested claim unless he has obtained the approval of the chief returning officer. The chief returning officer can thus allow the registered intervenor concerned to pay a contested claim if the refusal or the failure to pay arises from an error made in good faith.

TITLE VI

REFERENDUM POLL

79. The referendum poll shall be held on April 27, 2011.

80. The referendum period shall begin on the 37th day preceding the day set for the referendum poll.

81. On the 37th day preceding that of the poll, the chief returning officer shall issue a notice of referendum.

This notice must contain, among other information, the referendum question as well as the details of the revision and voting.

82. For the purposes of the application of these rules, Montréal is a locality for all electors outside Nunavik.

83. There must be at least one polling station in each locality.

84. Under the authority of the chief returning officer, the local returning officer shall be in charge of establishing, for his locality, polling stations not comprising more than 500 electors.

85. Each local returning officer shall establish his office in a readily accessible place of his locality. The address of this office shall be communicated to the chief returning officer and to the public.

From the start of the referendum period, the office of the chief returning officer shall be open on regular office days and at regular office hours.

86. Not later than the 19th day preceding that of the poll, the chief returning officer shall send to each dwelling a manual informing citizens of the right to vote, the referendum list and its revision, the financing and control of referendum expenses, and the procedure for participating in the referendum.

TITLE VII

ADVANCE POLLING

87. Each local returning officer shall, on the 7th day preceding that of the poll, hold advance polling. Advance polling must take place between 1 p.m. and 8 p.m. on that day.

88. Not later than the 9th day preceding that of the poll, the chief returning officer must inform electors of the location, dates and times of advance polling.

89. The provisions of sections 110 to 151 concerning the conduct of polling and the counting of votes shall apply to advance polling by making the necessary adaptations.

90. After the closing of the advance polling station, the poll clerk shall enter in the poll book the particulars stipulated in section 143.

91. The deputy returning officer shall place in separate envelopes spoiled or cancelled ballot papers, unused ballot papers, the forms and the referendum list; he shall then seal these envelopes. These envelopes, except for the one containing the referendum list and the poll book, shall be placed in the ballot box which the deputy returning officer shall seal.

92. The deputy returning officer and the poll clerk shall affix their initials to the seals of the envelopes and the ballot box.

93. The local returning officer shall have custody of the ballot box until the counting of votes.

TITLE VIII

VOTING AT ONE'S DOMICILE

94. An elector who is unable to move about for health reasons and who:

(1) makes an application to the local returning officer not later than 13th day preceding that of the poll,

(2) is entered on the referendum list of the locality of his domicile,

can vote at a polling station at his domicile

The polling station shall go to the domicile of electors on the 7th day preceding that of the poll, between 8 a.m. and noon.

TITLE IX

VOTING AT A RESIDENTIAL CENTRE

95. The local returning officer shall establish a polling station in the Ungava Tulattavik Health Centre and in the Inuulitsivik Health Centre as well as in their affiliated institutions.

Referendum officers shall proceed to the rooms to permit voting by electors who were unable to move about.

96. The electors entered on the referendum list of the locality in which the residential centre is located can vote.

97. Voting shall take place on the 2nd day that precedes that of the poll. The local returning officer shall determine the times of this voting.

TITLE X

VOTING AT THE OFFICE OF THE LOCAL RETURNING OFFICER

98. Electors who are unable to appear to vote on polling day can vote at the office of the local returning officer on the 8th, 6th and 5th days preceding that of the poll. Polling is open during regular office hours.

TITLE XI

VOTING AT RAGLAN MINE

99. Voting at Raglan Mine shall take place under the responsibility of the chief returning officer on the 9th day preceding that of the poll, between 8 a.m. and 2 p.m.

100. As soon as the polling period has ended, the chief returning officer shall send the local returning officers the list of persons having voted at Raglan Mine.

101. The chief returning officer shall establish the rules applicable to the counting of votes and the addition of votes.

TITLE XII

VOTING OUTSIDE NUNAVIK

102. Voting by electors outside Nunavik shall take place at the polling stations established by the local returning officer of Montréal or by mail.

103. The local returning officer of Montréal shall send electors outside Nunavik the information concerning the referendum procedure not later than the 37th day preceding that of the poll.

104. An elector outside Nunavik who wishes to exercise his right to vote by mail must, not later than the 19th day preceding that of the poll, send the local returning officer of Montréal a signed application containing the following information:

- (1) his name, his sex and his date of birth;
- (2) his mailing address outside Nunavik.

Every application must be accompanied with a photocopy of the document(s) determined by the chief returning officer in support of the information found in the application.

105. The local returning officer of Montréal shall send an elector whose application to register to vote by mail outside Nunavik is in conformity and that reached him not later than the 19th day preceding that of the poll the necessary material for the exercise of his right to vote.

106. The elector must insert the ballot paper in an envelope that cannot identify him, seal the envelope and insert it in a second envelope, bearing his signature, on which he must indicate his name.

107. The elector must send his ballot paper to the local returning officer of Montréal.

108. Only the ballot papers received at the office of the local returning officer of Montréal before the closing time of polling stations on polling day shall be counted.

TITLE XIII

VOTING BY INMATES

109. From the 8th to the 5th day inclusively preceding that of the poll, the local returning officer of Montréal or the designated person shall proceed to the operations relating to voting by electors who are inmates in a house of detention located in Québec according to the procedures established by the chief returning officer.

TITLE XIV

BALLOT PAPER AND BALLOT BOX

110. The chief returning officer shall have printed the ballot papers according to the model found in Schedule III.

The printer shall make sure that no ballot paper of the model ordered is provided to any other person.

111. The ballot paper shall include a counterfoil and a stub which shall bear the same number on the back. They shall be numbered consecutively.

In addition, the ballot paper must contain on the back a space reserved for the deputy returning officer's initials, for the printer's name and address, as well as the date of the referendum.

112. The ballot paper must make it possible to clearly identify the referendum question as formulated in the Agreement.

113. The chief returning officer shall acquire the number of ballot boxes according to the standards that he sets, in sufficient quantity for each locality.

114. Not later than one day before the opening of the polling station, the chief returning officer or the person he designates shall give the deputy returning

officers a ballot box, the directives on the work of polling officers, a poll book, the material necessary for voting, the documents necessary for the counting of votes as well as the referendum list of the polling station identifying the amendments made by the board of revisors and containing the particulars concerning the electors having already voted.

In addition, he shall give them, under seal bearing his initials, an envelope containing a number of ballot papers at least equal to the number of electors registered at each polling station, without dividing a booklet of ballot papers, plus 25.

TITLE XV

POLLING DAY

115. The duty of the deputy returning officer is to:

- (1) see to the arrangement of the polling station;
- (2) ensure the smooth conduct of the poll and maintain order;
- (3) facilitate the exercise of the right to vote and ensure the secrecy of voting;
- (4) proceed with the counting of votes;
- (5) transmit to the local returning officer the results of voting and return to him the ballot box.

116. The duty of the poll clerk is to notably enter in the poll book the particulars relating to the conduct of voting and to assist the deputy returning officer.

DIVISION I

PRELIMINARY FORMALITIES

117. The deputy returning officer, in the presence of the poll clerk, shall open the ballot box and examine the documents found inside it and the material necessary for voting, by following the directives of the chief returning officer.

118. At the time set for the poll to open, the deputy returning officer and the poll clerk must make sure that the ballot box contains no ballot papers. It is then sealed and placed in such a way that it is visible.

119. Polling shall take place from 9:30 a.m. to 8 p.m.

120. Every employer must make sure that electors in his employ have four consecutive hours to go vote on polling day when polling stations are open, not counting the time normally allocated for meals.

If the employee cannot have this time due to his hours of work, his employer must grant him the required leave so that he has four consecutive hours and to this end shall determine the time of day when this leave is granted.

The employer may not make any deduction from the wages of the employee or impose any sanction on him as the result of his absence from work during this leave.

DIVISION II

EXERCISE OF THE RIGHT TO VOTE

121. The elector shall tell the deputy returning officer and the poll clerk his name, address and, if he is required to do so, his date of birth.

The deputy returning officer may require that the elector establish his identity with his face uncovered by presenting, despite any incompatible provision, his health insurance card issued by the Régie de l'assurance maladie du Québec, his driver's licence or his probationary licence issued on a plastic medium by the Société de l'assurance automobile du Québec, his Canadian passport, his gun licence or any other document recognized by the chief returning officer.

122. An elector who is unable to establish, to the satisfaction of the deputy returning officer, his identity in accordance with section 121 must, if he wishes to be admitted to vote:

(1) declare before the poll clerk and the deputy returning officer that he is indeed the elector whose name appears on the referendum list and that he has the right to be entered at the address appearing on the list; an indication is made of his declaration in the poll book;

(2) show his face and meet the following conditions:

a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name, his date of birth and the address at which he is entered or that of his domicile;

b) be accompanied by a person who:

i. establishes his identity in accordance with the first paragraph of section 121;

ii. attests to the identity and address of the elector;

iii. declares that he has not accompanied any other elector other than his spouse or relative within the meaning of section 31;

iv. produces a document referred to in the second paragraph of section 121 provided that this document bears his photograph;

123. Not more than one elector may, at any time, be admitted to the polling station.

124. The deputy returning officer shall admit an elector to vote who has not already voted, who is entered on the referendum list and whose name, address and, where applicable, date of birth correspond to those appearing on the referendum list.

An elector whose designation differs slightly from that appearing on the referendum list may nevertheless be admitted to vote on making the declaration; an indication thereof shall be entered in the poll book.

An elector under whose name another person has already voted may nevertheless be admitted to vote after having made a declaration establishing his identity, his qualified elector status and the fact that he has not already voted; an indication thereof shall be entered in the poll book.

125. The local returning officer or his assistant may issue an authorization to vote to any elector:

(1) whose name does not appear on the copy of the referendum list used at the polling station but appears on the revised referendum list in the possession of the local returning officer;

(2) whose name was not properly entered when a decision of a board of revisors was copied;

(3) whose registration on the referendum list was struck following an error with the identity of another elector;

(4) who has left home for his or her safety or that of his or her children and who wishes to vote at the polling station of the locality in which he or she resides.

An elector who has obtained this authorization shall present it to the deputy returning officer and declare that he is indeed the person who obtained it; an indication thereof shall be entered in the poll book.

126. The deputy returning officer shall give a ballot paper to the elector who is admitted to vote, after writing his initials in the space reserved for that purpose and detaching it from the counterfoil.

127. After receiving the ballot paper, the elector shall enter the polling booth, mark the ballot paper in one of the circles using the pencil that the deputy returning officer gave him and fold the ballot paper. After having placed a mark on the ballot paper, the elector shall leave the polling booth. He shall allow the initials of the deputy returning officer to be examined by the latter and by the poll clerk; then, in full view of the persons present, the elector shall detach the stub and hand it to the deputy returning officer, who shall destroy it.

128. If the initials appearing on the back of the ballot paper are not those of the deputy returning officer, the latter must cancel the ballot paper and an indication thereof is entered in the poll book by the poll clerk.

If the initials are missing, the deputy returning officer shall affix them to the ballot paper before it is placed in the ballot box.

129. The elector himself shall place the ballot paper in the ballot box.

130. As soon as an elector has voted, the poll clerk shall indicate this fact on the referendum list in the space reserved for this purpose.

131. Where a ballot paper has been inadvertently marked or spoiled, the deputy returning officer shall require the elector to mark each of the circles of the ballot paper. The deputy returning officer shall thereupon cancel the marked or spoiled ballot paper and give a new ballot paper to the elector.

132. An elector who declares that he is unable to mark a ballot paper may be assisted either:

(1) by the elector's spouse or relative within the meaning of section 31;

(2) by another person, in the presence of the deputy returning officer and the poll clerk. This person shall declare that he has not assisted any other elector during the poll other than the person's spouse or relative within the meaning of section 31;

(3) by the deputy returning officer in the presence of the poll clerk.

In all cases, an indication thereof is entered in the poll book.

133. A deaf or mute elector may be assisted, for the purposes of communicating with the referendum officers, by a person capable of interpreting the sign language of the deaf.

134. Before the deputy returning officer remits a ballot paper, he or the poll clerk may require a person to declare that:

(1) he is a qualified elector;

(2) he has not already voted in the current referendum;

(3) he has received no benefit intended to engage his support in favour of one of the referendum options;

(4) he has no ballot paper in his possession that may be used in the current referendum.

The poll clerk shall enter in the poll book the name of the person requiring the declaration and the reasons for the requirement.

135. In no case may a deputy returning officer give a ballot paper to a person who refuses to make the declaration stipulated in section 134, and an indication thereof shall be entered in the poll book.

136. Voting is secret.

137. No person may, on the premises of a polling station, use any sign making it possible to identify his position concerning the referendum question or engage in any other form of partisan publicity.

The local returning officer may cause any prohibited partisan publicity to be removed.

The building in which the polling station is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors are considered to be the premises of the polling station.

138. If it is not possible for the polling to begin at the prescribed time, or if it is interrupted by irresistible force or cannot be concluded due to a lack of ballot papers, the chief returning officer may extend polling hours at the polling station concerned for as long as he shall determine.

139. Any electors on the premises of a polling station at the hour of closing of the poll who have not voted may exercise their right to vote. The deputy returning officer shall thereafter declare the polling closed.

For the purposes of the first paragraph, the premises of a polling station extend as far as the end of the waiting line of electors entitled to vote at the polling station, as it stands at the hour of closing of the poll.

DIVISION III

COUNTING OF VOTES

140. The counting of votes shall take place at the office of the local returning officer or at the polling station.

In the case of advance polling, the local returning officer shall determine the place where the counting of votes will occur.

141. The deputy returning officer and the poll clerk are the only persons present at the counting of votes.

142. After the closing of polling, the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of votes.

143. Prior to the opening of the ballot box, the poll clerk shall enter in the referendum book:

- (1) the number of electors having voted;
- (2) the number of spoiled or cancelled ballot papers and the number of unused ballot papers, and;
- (3) the names of the persons having performed duties as polling officers, specifying which ones are entitled to remuneration.

144. The deputy returning officer and the poll clerk shall use for the counting of votes the tally sheet provided by the chief returning officer.

145. The deputy returning officer shall open the ballot box, count the votes by taking the ballot papers out of the ballot box one by one, and shall allow the poll clerk to examine them.

146. The deputy returning officer shall declare valid every ballot paper marked in a circle opposite one of the stipulated responses to the referendum question.

However, the deputy returning officer shall reject a ballot paper that:

- (1) was not supplied by him;
- (2) does not bear his initials;
- (3) has not been marked;
- (4) has been marked in favour of more than one response to the referendum question;
- (6) has been marked elsewhere than in one of the circles;
- (7) bears a fanciful or injurious marking;
- (8) bears a mark by which the elector can be identified; or
- (9) has been marked otherwise than with the pencil given to the elector by the deputy returning officer.

No ballot paper may be rejected for the reason set out in subparagraph 2 of the second paragraph if the number of ballot papers in the ballot box corresponds to the number of ballot papers that were placed in it according to the referendum list or the poll book.

In full view of the poll clerk, the deputy returning officer shall initial the back of any ballot paper that is not initialed, and shall note under the initials that they have been added as a correction. An indication thereof shall be recorded in the poll book.

147. No ballot paper may be rejected for the sole reason that its stub has not been removed. In this case, the deputy returning officer shall remove the stub and destroy it.

No ballot paper may be rejected for the sole reason that the mark extends beyond the circle or that the circle is not completely filled in.

148. The deputy returning officer shall draw up a statement of votes in triplicate and sign them. The poll clerk shall initial the statements.

149. After counting the ballot papers and drawing up the statement of votes, the deputy returning officer shall place in separate envelopes the ballot papers attributed to the same response to the referendum question, the rejected ballot papers, the spoiled or cancelled ballot papers, the unused ballot papers and the statement of votes. The deputy returning officer shall then seal these envelopes.

The deputy returning officer and poll clerk shall initial the seals.

These envelopes, except the one containing the statement of votes, the poll book and the referendum list, shall be placed in the ballot box.

150. The deputy returning officer shall seal the ballot box. The deputy returning officer and the poll clerk shall initial the seals.

151. The deputy returning officer shall give the ballot box and a copy of the statement of votes to the local returning officer or to the person designated by the latter to receive them.

DIVISION IV

VERIFICATION OF VOTING BY MAIL

152. The verification of envelopes preceding the counting of votes shall start on the days and at the times determined by the chief returning officer. This verification cannot begin before the end of the revision period.

153. The local returning officer of Montréal shall designate one or more persons to proceed with the verification of the envelopes.

154. Upon receipt, the local returning officer of Montréal office shall enter on the referendum list an indication that the elector has voted and shall check his signature on the envelope. If it matches the signature on the application stipulated in section 104, he shall keep the envelope without opening it.

If the signature does not match, he shall reject the envelope without opening it.

Moreover, he shall check if the ballot paper comes from an elector who was struck by the board of revisors. If such is the case, he shall reject the envelope containing the ballot paper without opening it.

In addition, he must:

(1) make sure that the information on the outside envelope corresponds to that on the voting by mail application form;

(2) make sure that only one ballot paper was given to the elector;

(3) reconcile the number of envelopes with the data of the voting by mail application register;

(4) indicate on the list of electors registered to vote by mail and on the referendum list of the Montréal office that the elector has voted.

Once these verifications have been made, if everything is in compliance, the envelope containing the ballot paper shall be removed from the second envelope and placed in the ballot box.

155. If an irregularity is discovered during the verification, the envelope in question shall not be placed in the ballot box and the ballot paper shall be considered cancelled.

Ballot papers for which the inside envelope or the outside envelope is missing shall also be considered cancelled.

156. Whenever an envelope or a ballot paper is cancelled, reasons must be given.

DIVISION V

COUNTING OF THE VOTES BY MAIL

157. On polling day, the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of votes. The counting shall be done at the place and the time set by the local returning officer of Montréal.

158. After having counted the ballot papers, the deputy returning officer shall prepare in triplicate a statement of votes and shall sign them. The poll clerk shall initial the statements.

The deputy returning officer shall then place in separate envelopes a statement of poll, the ballot papers attributed to the same response to the referendum question and the rejected ballot papers. He shall seal these envelopes.

The deputy returning officer and the poll clerk shall initial the seals.

These envelopes, except the one containing the copy of the statement of votes and the poll book, shall be placed in an identified ballot box.

159. The deputy returning officer shall seal the ballot box. The deputy returning officer and the poll clerk shall initial the seals.

The deputy returning officer shall then send the ballot box and a statement of poll to the local returning officer or to the person designated by the latter.

DIVISION VI

PRELIMINARY RESULTS

160. As soon as the counting of votes has been completed, the local returning officer shall inform the chief returning officer of the preliminary results of voting and shall make them public.

TITLE XVI

ADDITION OF VOTES

161. The addition of votes shall begin at the place, on the day and at the time determined by the chief returning officer and any elector may be present for this operation.

162. The chief returning officer shall proceed to the addition of the votes by using the statements of votes contained in the ballot boxes and by compiling the votes cast in favour of each option.

163. The chief returning officer shall make public, at the end of the addition of votes, the results. He may then communicate the results of the addition to any person who requests them.

The chief returning officer shall then announce the referendum option having obtained the greatest number of votes.

164. Each local returning officer shall send the chief returning officer, in the thirty days following the counting of votes, a report on the conduct of the poll.

165. The chief returning officer shall send all of the referendum documents to the Chief Electoral Officer of Québec.

166. In the sixty days that follow the announcement stipulated in section 164, the chief returning officer shall send to the Parties to the Agreement as well as to the Chief Electoral Officer of Québec, a written report concerning the conduct of the referendum.

167. The Chief Electoral Officer of Québec shall keep the documents which the chief returning officer sent him one year from the sending of these documents or, if the referendum is contested, for one year from the decision on the contestation.

TITLE XVII

MISCELLANEOUS PROVISIONS

168. The information concerning electors is not public in nature within the meaning of the Act respect access to documents held by public bodies and the protection of personal information (chapter A-2.1).

No person may use, communicate or allow to be communicated, for purposes other than those stipulated in these rules, information concerning an elector. No person may communicate to a third party the personal information collected or use it for purposes not related to the object of this regulation, unless the person concerned consents thereto.

169. If, during the referendum period, the chief returning officer ascertains that as the result of an error, an emergency or an exceptional circumstance, a provision of this regulation does not fit the requirements of the situation, he shall refer the matter to the Chief Electoral Officer of Québec who may adapt this provision to realize its purpose.

He must first however notify the Parties to the Agreement of the decision that he plans to make and afterwards inform them, as well as the public, of the decision made.

170. In case of a major impediment to the holding of the referendum on the planned date, the chief returning officer may decide to postpone the date of the poll. He must however consult the Parties to the Agreement and notify the electors of the reason for the postponement and the new date.

171. Any dispute, proceeding or complaint related to the holding of the referendum, with the exception of a decision rendered under sections 3, 8 and 170 of these rules, must be decided by the Honorary Tribunal which shall have exclusive jurisdiction.

Any complaint must be submitted to the Honorary Tribunal not later than in the thirty days following the declaration of results stipulated in section 164 of this regulation.

Appendice 8

Final Agreement on the Creation of the Nunavik Regional Government

**FINAL AGREEMENT ON THE
CREATION OF THE NUNAVIK REGIONAL GOVERNMENT**

Between **Makivik Corporation**, a corporation duly incorporated under Section 2 of the Act respecting the Makivik Corporation (R.S.Q., c. S-18.1), represented by its President,

Hereinafter referred to as "Makivik"

and The **Gouvernement du Québec**, represented by the ministre responsable des Affaires autochtones and by the ministre responsable des Affaires intergouvernementales canadiennes et de la Francophonie canadienne,

Hereinafter referred to as "Québec"

and The **Government of Canada**, represented by the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and non-Status Indians,

Hereinafter referred to as "Canada"

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PREAMBLE

- Whereas** the Inuit of Nunavik, as represented by Makivik and its predecessor entity the Northern Québec Inuit Association, in keeping with their aspirations as first expressed through the Fédération des Coopératives du Nouveau-Québec, have persistently pursued the establishment of a responsible and efficient government in Nunavik for all its residents;
- Whereas** negotiations undertaken by Québec to conclude this Final Agreement are in keeping with overtures it made in past years on many occasions to discuss self government in Nunavik, notably as articulated in the context of the Commission parlementaire sur les questions autochtones held in 1983 at the Assemblée nationale du Québec;
- Whereas** Canada has participated in previous discussions on the creation of a new form of government in Nunavik and, in keeping with its *Aboriginal self-government Policy* is prepared to conclude this Final Agreement;
- Whereas** Makivik, Québec and Canada signed during the summer of 2003 the *Negotiation Framework Agreement on the amalgamation of certain institutions and the creation of a new form of government in Nunavik*;
- Whereas** Makivik, Québec and Canada signed on December 5, 2007 the *Agreement-in-Principle concerning the amalgamation of certain public institutions and creation of the Nunavik Regional Government*;
- Whereas** Makivik, Québec and Canada recognize that it is necessary, in a first phase, to conclude this Final Agreement in order to amalgamate Kativik Regional Government, Kativik School Board and the Nunavik Regional Board of Health and Social Services into a unified entity for all residents of Nunavik, the Nunavik Regional Government;
- Whereas** Makivik, Québec and Canada agree that it is appropriate, in a second phase, subject to the Parties obtaining the necessary authorities, to undertake subsequent negotiations of a supplementary agreement or supplementary agreements which could provide, as the case may be, new powers to the Nunavik Regional Government, which could be inspired by the recommendations found in the 2001 Report of the Nunavik Commission entitled *Let Us Share*;

Therefore, the Parties agree to the following:

PART I
GENERAL PROVISIONS

1. DEFINITIONS

For the purposes of this Agreement, the Parties agree that the term:

"Administration" means the public service of the NRG;

"Amalgamation Date" means the date identified in Québec legislation on which the KRG, KSB, and NRBHSS cease to exist and are replaced by the NRG;

"Complementary Agreement" means an agreement to amend the James Bay and Northern Québec Agreement;

"Executive Council" means the elected body composed of five members responsible for the Administration of the NRG;

"JBNQA" means the James Bay and Northern Québec Agreement;

"KRG" means Kativik Regional Government constituted under Section 239 of *An Act Respecting the Northern Villages and the Kativik Regional Government* (R.S.Q., c. V 6.1) pursuant to Section 13 of the JBNQA;

"KSB" means Kativik School Board constituted under Section 602 of *An Education Act for Cree, Inuit and Naskapi Native Persons* (R.S.Q., c. I-14) pursuant to Section 17 of the JBNQA;

"Minister" means the minister of the Gouvernement du Québec responsible for the overall relationship between the NRG and Québec, referred to in section 14.1;

"Naskapi Sector" means the Naskapi area of primary interest and the area of common interest for the Inuit and the Naskapis described respectively in Section 24.13.3A and 24.13.4A of the JBNQA as amended by Section 27 of Schedule 4 of the Complementary Agreement no. 1 to the JBNQA;

"NEQA" means the Northeastern Québec Agreement;

"NRBHSS" means Nunavik Regional Board of Health and Social Services constituted under Section 530.25 of *An Act Respecting Health Services and Social Services* (R.S.Q., c. S-4.2) replacing the former Kativik Regional Council of Health and Social Services which had been created pursuant to Section 15 of the JBNQA;

"NRG" means the Nunavik Regional Government;

"Northern Village" means a Northern Village as established by *An act respecting Northern Villages and the Kativik Regional Government* (R.S.Q., c. V-6.1);

"Nunavik Assembly" means the elected body of the NRG;

"Nunavik Regional Government" means the unified entity that will be established as a result of the creation of a new form of government through the amalgamation of KRG, KSB, NRBHSS. This entity includes the Nunavik Assembly, the Executive Council and Administration;

"Parties" means Makivik, Québec and Canada;

"Territory" or "Nunavik" means the part of Québec territory located north of the 55th parallel of latitude except Category 1A lands and 1B lands of the Cree of Great Whale, as defined in the JBNQA and including Category 1B N lands of the Naskapi, as defined in the NEQA.

"Transition Guide" means the document entitled «Transition guide for the Transition Committee in relation to the creation of the Nunavik Regional Government» prepared by Makivik and Québec identifying the transition activities to be completed before the Amalgamation Date and grouping useful information to facilitate the work of the Transition Committee.

2. OBJECTIVE OF THIS AGREEMENT

The objective of this Agreement is to provide for the conditions for the creation and continued existence of the NRG for all residents of Nunavik by:

- a) as phase one, amalgamating three public institutions established following the JBNQA: KRG, KSB and NRBHSS, into a unified entity, the NRG;
- b) as phase two, subject to the Parties and NRG obtaining the necessary authorities, undertaking subsequent negotiations of a supplementary agreement or supplementary agreements which could provide, as the case may be, new powers to the NRG, which could be inspired by the recommendations found in the 2001 Report of the Nunavik Commission entitled *Let Us Share*.

3. OVERRIDING PRINCIPLES

This Agreement shall be consistent with the following overriding principles:

- Governance

- 3.1 The NRG shall be a public institution for all Nunavik residents, notably regarding the right to vote, eligibility for elected positions, access to programs and services.
- 3.2 The NRG shall comply with transparency rules and accountability principles and practices generally accepted in the public sector in Québec.
- 3.3 The NRG shall be accountable to the residents of Nunavik.
- 3.4 The NRG shall be implemented within the prevailing legal and economic realities of Québec and Canada. The NRG can also be liberal in approach and innovative in nature, to address the notion of a new form of government.
- 3.5 Taking into account the financial resources available, the NRG shall maintain and strive to improve the general quality and level of the existing public services provided to the Nunavik population.
- 3.6 Nothing in this Agreement shall be interpreted as affecting the access by Nunavik residents and organizations to Québec or Canada programs, services, funding or initiatives which apply or would normally apply to them, subject to the general criteria established from time to time for the application of such programs, services, funding or initiatives and general parliamentary approval of such programs, services, funding or initiatives.

- *Constitutional framework*

Charters

- 3.7 The *Canadian Charter of Rights and Freedoms (Constitution Act, 1982)* and the *Charter of Human Rights and Freedoms (R.S.Q., c. C-12)* shall apply to the NRG.

Distribution of powers

- 3.8 The NRG shall respect the jurisdiction of the *Assemblée nationale du Québec* and the jurisdiction of the *Parliament of Canada* provided for in the *Constitution Act, 1867*.
- 3.9 The NRG shall come under the jurisdiction of the *Assemblée nationale du Québec*.

Section 35 of the Constitution Act, 1982

- 3.10 This Agreement does not constitute a treaty within the meaning of Section 35 of the *Constitution Act, 1982*.

Non derogation: JBNQA and NEQA

- 3.11 Except as otherwise provided for in this Agreement, nothing in this Agreement shall derogate or be interpreted as derogating from the rights, privileges and benefits of the Inuit under the JBNQA.
- 3.12 The amalgamation of the KRG, KSB and NRBHSS shall not alter the constitutional protection of the rights enjoyed by the Nunavik Inuit under the JBNQA.
- 3.13 Nothing in this Agreement shall prejudice or be interpreted as prejudicing the legal status, rights or obligations of Makivik.
- 3.14 Nothing in this Agreement and in any amendment to the JBNQA pursuant to this Agreement, shall be interpreted as affecting, modifying or prejudicing:
- a) any of the rights, privileges and benefits of the Cree under the JBNQA or under any other agreement or undertaking which the Québec or Canada is a party;
 - b) any of the jurisdiction, authorities and responsibilities of the Cree Regional Authority, the Cree School Board, the Cree Board of Health and Social Services of James Bay, any Cree band, any other Cree local government or any Cree entity contemplated by the JBNQA.
- 3.15 Except as otherwise provided for in this Agreement, nothing in this Agreement, and in any amendment to the JBNQA or the NEQA pursuant to this Agreement shall be interpreted as affecting, modifying or prejudicing the rights, privileges and benefits of the Naskapi under the JBNQA and the NEQA or under any other agreement or undertaking to which Québec or Canada is a party.
- 3.16 Except as otherwise provided for in this Agreement, nothing in this Agreement shall be interpreted as affecting, modifying or prejudicing the rights and obligations of third parties as set out in the JBNQA and NEQA.
- 3.17 For greater certainty, nothing in this Agreement shall be interpreted as affecting, modifying or prejudicing the land, natural resources, wildlife and environment regimes established under the JBNQA and the NEQA.

- Application of laws

- 3.18 Laws of Québec and Canada shall continue to apply over the Territory.
- 3.19 The languages used in the NRG shall be in keeping with the existing laws, legal rights and obligations that are applicable to KRG, KSB or NRBHSS.
- 3.20 Except as otherwise provided for in this Agreement, nothing in this Agreement shall affect the presence of the institutions of Québec and Canada on the Territory.

4. INTERPRETATION

- 4.1 The preamble forms part of this Agreement. The preamble and the several Parts of this Agreement shall be read together and interpreted as one agreement.
- 4.2 In the event of conflict or inconsistency between this Agreement and the Québec legislation referred to in Section 6.7, this Agreement shall prevail.
- 4.3 This Agreement shall be written in Inuttitut, in French and in English. The French and English versions shall be the authoritative versions.

PART II
THE NUNAVIK REGIONAL GOVERNMENT

A. PHASE ONE

a) CREATION OF THE NUNAVIK REGIONAL GOVERNMENT

5. OBJECTIVE

The objective of the creation of the NRG is to set up an efficient governmental institution suited to the needs of all residents of Nunavik by:

- a) simplifying and making more efficient the management of public funds;
and,
- b) improving the administrative operations and the delivery of services.

6. AMALGAMATION OF KRG, KSB AND NRBHSS

- Scope of the amalgamation

- 6.1 The KRG, KSB and NRBHSS shall be amalgamated in order to create the NRG.
- 6.2 On the Amalgamation Date, KRG, KSB and NRBHSS shall cease to exist and shall be replaced by the NRG.
- 6.3 All ordinances, by-laws, regulations, resolutions, decisions, administrative procedures of KRG, KSB, and NRBHSS shall remain in effect unless otherwise modified or abrogated by the NRG or by the Transition Committee referred to in Section 15.1.1.

- Implications of the amalgamation for other institutions

- 6.4 Nothing in this Agreement shall be interpreted as prejudicing the legal status, rights and obligations of the following institutions:
 - a) the Northern Villages as established by *An act Respecting Northern Villages and the Kativik Regional Government* (R.S.Q., c. V-6.1);
 - b) the Inuulitsivik Health Centre and the Ungava Tulattavik Health Centre as established by *An Act Respecting Health Services and Social Services* (R.S.Q., c. s-4.2);
 - c) the Education committees as established by Section 657 of the *Education Act for Cree, Inuit and Naskapi Native Persons* (R.S.Q., c. I-14);
 - d) the Kativik Municipal Housing Bureau (KMHB) as established by *An Act respecting the Société d'Habitation du Québec* (R.S.Q., c. S-8);
 - e) the Katutjiniq Regional Development Council (KRDC) constituted under Part III of the *Companies Act* (R.S.Q., c. C-38) pursuant, under its original name, "Kativik Regional Development Council," to Section 23 of the JBNQA.

- 6.5 The relationship between the institutions referred to in Section 6.4 and the NRG shall be managed in conformity with the principles set below:
- a) The Northern Villages shall have the same relationship with, and duties and obligations to the NRG which existed between them and KRG prior to the Amalgamation Date. Unless otherwise decided by the Nunavik Assembly, the relationship between the Northern Villages and the NRG shall be the responsibility of the NRG's Department of Local and Regional Affairs or its successor.
 - b) The Inuulitsivik Health Centre and the Ungava Tulattavik Health Centre shall have the same relationship with, and duties and obligations to the NRG which existed between them and NRBHSS prior to the Amalgamation Date. Unless otherwise decided by the Nunavik Assembly, the relationship between the Inuulitsivik Health Centre and the Ungava Tulattavik Health Centre and the NRG shall be the responsibility of the NRG's Department of Health and Social Services or its successor.
 - c) The Education Committees shall have the same relationship with, and duties and obligations to the NRG which existed between them and KSB prior to the Amalgamation Date. Unless otherwise decided by the Nunavik Assembly, the relationship between the Education committees and the NRG shall be the responsibility of the NRG's Department of Education or its successor.
 - d) The KMHB shall have the same relationship with, and duties and obligations to the NRG which existed between it and KRG prior to the Amalgamation Date. Unless otherwise decided by the Nunavik Assembly, the relationship between KMHB and the NRG shall be the responsibility of the NRG's Department of Local and Regional Affairs or its successor.
 - e) The KRDC shall have the same relationship with, and duties and obligations to the NRG which existed between it and KRG prior to the Amalgamation Date. Unless otherwise decided by the Nunavik Assembly, the relationship between the KRDC and the NRG shall be the responsibility of the NRG's Department of Local and Regional Affairs or its successor.

- Realization of the amalgamation

- 6.6 As soon as possible following the signing of this Agreement, the Parties undertake to conclude the first phase of the negotiation process by:
- a) developing a Complementary Agreement to the JBNQA to allow for the amalgamation of the KRG, KSB and NRBHSS; and
 - b) undertaking any other tasks required to create the NRG.
- 6.7 Québec undertakes to submit to the Assemblée nationale du Québec the draft legislation required to implement this Agreement and the Complementary Agreement. The legislation shall set the Amalgamation Date.
- Québec also undertakes to consult Makivik on the content of this draft legislation and to consult Makivik and the NRG regarding any subsequent amendment that may be made.
- 6.8. Canada undertakes to submit for approval the Order in Council required to implement the Complementary Agreement.

7. LEGAL STATUS

The NRG shall be a legal person established in the public interest. As such, it shall notably have the power to:

- a) negotiate and sign contracts, enter into agreements or any form of understanding;
- b) own, acquire, lease or alienate any immovable, property, equipment or goods;
- c) collect funds, issue obligations, make investments and expenses and contract loans;
- d) sue and be sued in any case and before any court.

8. POWERS AND RESPONSIBILITIES

8.1 The NRG shall be the successor entity to the KRG, KSB and NRBHSS. All the existing powers and responsibilities of KRG, KSB and NRBHSS shall be transferred to the NRG:

- a) The NRG shall exclusively assume, over the Territory, all the rights, obligations, powers, jurisdiction, privileges, duties, responsibilities, functions, contracts, agreements, liabilities, assets and resources of the KRG, including whatever competence it has in relation to local administration; transport and communications; police; workforce training and utilization. The NRG shall also assume any powers of the KRG that have been delegated by Quebec, its ministers or bodies.
- b) The NRG shall exclusively assume, over the Territory, all the rights, obligations, powers, jurisdiction, privileges, duties, responsibilities, functions, contracts, agreements, liabilities, assets and resources of the KSB, including KSB's jurisdiction and responsibility for preschool, elementary, secondary, post-secondary and adult education, and its powers and privileges regarding the development of programs, material, and criteria relating to the Inuit culture and the use of Inuttituut.
- c) The NRG shall exclusively assume, over the Territory, all the rights, obligations, powers, jurisdiction, privileges, duties, responsibilities, functions, contracts, agreements, liabilities, assets and resources of the NRBHSS, including the development and the implementation of the multi-year strategic plan concerning the region's health and social needs, the use of the resources in line with the objectives of the strategic plan and the allocation of the regional funding provided for the current operation of the health establishments and the community organizations of Nunavik, according to the allotment made by the Ministère de la Santé et des Services Sociaux du Québec.

8.2 The powers of the NRG concerning the conclusion of agreements shall be exercised in accordance with the following parameters:

- a) The agreements or class of agreements of NRG that are similar to those of KRG, KSB and NRBHSS that required the approval of Québec shall also require such approval. The process for approval of agreements of NRG shall be harmonized;

- b) Québec may, to such extent and subject to such conditions as it determines, exempt from the approval process referred to in paragraph 8.2 a) the whole or a part of an agreement or class of agreements that it will designate.
- c) The agreements or class of agreements of NRG that are similar to those of KRG, KSB and NRBHSS that are excluded from the approval process of Québec shall also be excluded from such approval process.
- d) Agreements concluded by the NRG and Québec shall not be considered as agreements relating to native affairs for the purpose of the *Act respecting the Ministère du Conseil exécutif* (L.R.Q., c.M-30);
- e) In accordance with intergovernmental mechanisms applicable in Québec, the NRG may with prior authorization from Québec, enter into agreement with another government in Canada or one of its departments or government agencies, or with a federal public agency. Québec may attach conditions as it determines to these authorizations. The Minister shall give an advisory opinion on the draft agreement before the decision on the application for authorization is made. Before the Amalgamation Date, Québec shall reevaluate its administrative process for examining agreements in order to ensure, for the purpose of their authorization, a rapid processing of the future agreements reached by the NRG.

9. STRUCTURE

The NRG shall be composed of:

- a) elected representatives constituting the Nunavik Assembly, where decisions are made;
- b) elected representatives constituting the Executive Council, who are also members of the Nunavik Assembly, and whose function is to implement the decisions of the Nunavik Assembly;
- c) an Administration amalgamating the administrations of the KRG, KSB and NRBHSS, which shall be under the authority of the Executive Council.

9.1 NUNAVIK ASSEMBLY

- General provisions

9.1.1 The Nunavik Assembly shall replace the Council of KRG, the Board of Commissioners of KSB and the Board of Directors of NRBHSS. The Nunavik Assembly shall assume all their rights, obligations, powers, jurisdiction, privileges, duties, responsibilities and functions.

9.1.2 The Nunavik Assembly shall be composed of 20 members:

- a) a representative elected in each of the 14 local electoral districts referred to in Section 10.4;
- b) four representatives who will sit on the Executive Council and who will be elected in the regional electoral district referred to in Section 10.4 by all the electors of the Territory;

- c) one representative who will sit on the Executive Council and who will be elected as its Leader in the regional electoral district referred to in Section 10.4 by all the electors of the Territory;
 - d) one representative from the Naskapi Nation of Kawawachikamach referred to in section 10.15.
- 9.1.3 The Nunavik Assembly shall sit at least four times a year at the offices of the NRG, or in any Northern Village in Nunavik of its choosing. The first session of the Nunavik Assembly shall take place within one month following the Amalgamation Date.
- 9.1.4 All sittings of the Nunavik Assembly shall be public.
- However, the Nunavik Assembly shall have the capacity to establish itself as a committee of the whole on an exceptional basis and, in doing so, shall be able to hold sessions or meetings that are not open to the public.
- 9.1.5 The quorum for a sitting of the Nunavik Assembly shall consist of a majority of the members.
- All decisions of the Nunavik Assembly shall be made by majority vote.
- Each member of the Nunavik Assembly shall have one vote. Any member representing a local electoral district of more than 2000 residents shall have an additional vote.
- 9.1.6 The Nunavik Assembly shall adopt "Standing Orders" to govern its operations and procedures. At a minimum, the Standing Orders must indicate that the agenda for every session of the Nunavik Assembly will be set out in an "Order Paper" which will provide notably for the following: statements by members of the Nunavik Assembly; introduction of resolutions, ordinances and regulations; presentation of documents, reports and petitions; question period for the members of the Nunavik Assembly and for the public.
- 9.1.7 The Nunavik Assembly may establish permanent or temporary committees.
- Members*
- 9.1.8 The members of the Nunavik Assembly shall be sworn in as such by the Clerk of the Nunavik Assembly before being able to sit in the Nunavik Assembly.
- For the initial election, the members of the Nunavik Assembly shall be sworn in as such by a member of the honorary tribunal referred to in Section 10.13 before being able to sit in the Nunavik Assembly.
- 9.1.9 Members of the Nunavik Assembly shall not occupy any of the following positions while in office:
- a) member of the Parliament of Canada;
 - b) member of the Assemblée Nationale du Québec;
 - c) member of the municipal council of a Northern Village;
 - d) employee of the NRG.

An individual elected to the Nunavik Assembly who occupies any position identified in the paragraph above shall, before making the oath, resign from such position.

If a member of the Nunavik Assembly accepts any position identified in the first paragraph above during his term, he must resign from one or the other within thirty days and shall not be permitted to sit in the Nunavik Assembly until such resignation comes into effect.

9.1.10 The members of the Nunavik Assembly must act within the scope of the functions and powers conferred on them, and exercise the care, prudence and diligence that a reasonable person would exercise in similar circumstances; they must also act with integrity, honesty, loyalty and in the interest of the NRG and the residents of Nunavik.

9.1.11 No member of the Nunavik Assembly shall be subject to a civil proceeding for an act performed in good faith in the discharge of his functions.

The NRG shall assume the defence of any member of the Nunavik Assembly who is prosecuted for an act performed in the discharge of Nunavik Assembly functions.

- Speaker and Deputy Speaker

9.1.12 Following its election, the Nunavik Assembly shall appoint from its members individuals who will be the Speaker and Deputy Speaker of the Nunavik Assembly. Such appointment shall be done by way of a resolution adopted by the Nunavik Assembly.

The Speaker shall have the following responsibilities:

- a) chair the meetings of the Nunavik Assembly in a fair and unbiased manner;
- b) call to order, open, suspend, and adjourn the meetings of the Nunavik Assembly;
- c) declare the results of the votes of the Nunavik Assembly;
- d) preserve order and decorum of the Nunavik Assembly;
- e) abide by and enforce the Standing Orders of the Nunavik Assembly;
- f) in conjunction with the Clerk, ensure the Nunavik Assembly has the necessary support services;
- g) in conjunction with the Clerk, ensure that records of the proceedings, decisions of the Nunavik Assembly and documents tabled in the Nunavik Assembly are properly kept and available to the public;
- h) perform other duties as may be assigned by the Nunavik Assembly.

The Speaker may participate in the debate and vote as a member of the Nunavik Assembly, but he shall not have a deciding vote. In the case of a tie vote, the item shall be deemed to be defeated.

The Deputy Speaker shall perform all the duties of the Speaker whenever the latter is absent or unable to act.

In the event of a vacancy of the office of Speaker, the Nunavik Assembly shall elect a new Speaker and such election shall take precedence over all other business.

Members elected for positions on the Executive Council shall not be eligible to fill the positions of the Speaker and Deputy Speaker of the Nunavik Assembly.

- Clerk and Deputy Clerk

9.1.13 The Nunavik Assembly shall appoint, upon recommendation from the Leader, a Clerk and a Deputy Clerk placed under the authority of the Nunavik Assembly. These appointments shall be made by way of resolutions of the Nunavik Assembly.

The Clerk shall have the following responsibilities:

- a) be in charge of the Clerk's Office;
- b) assist the Speaker in his duties;
- c) prepare the agenda for the sittings of the Nunavik Assembly and, for that purpose, take into account the notices received and the business that the Executive Council wishes to consider;
- d) be responsible for the preparation of documents for the sittings of the Nunavik Assembly;
- e) be the custodian of the decisions and official documents of the Nunavik Assembly;
- f) be responsible for the Nunavik Assembly's financial and resources management;
- g) be responsible for the swearing in of the members of the Nunavik Assembly and of the Executive Council; and
- h) assume all other functions entrusted in him by the Nunavik Assembly.

If the Clerk is absent or unable to act or if his office becomes vacant, the Deputy Clerk shall perform all the duties of the Clerk for the length of the absence, the inability to act or the vacancy.

9.2 EXECUTIVE COUNCIL

9.2.1 The Executive Council shall replace the Executive Committees of KRG, KSB and NRBHSS. The Executive Council shall assume all their rights, obligations, powers, jurisdiction, privileges, duties, responsibilities and functions.

9.2.2 The Executive Council shall manage and direct the affairs of the NRG.

The Executive Council shall implement the decisions of the Nunavik Assembly and shall see that they are observed and carried out. More specifically, it shall ensure that all expenditures of the NRG are in conformity with the budget adopted by the Nunavik Assembly and, with the support of the Budget and Resource Management Policy Secretariat referred to in Section 9.3.4 b), that the necessary funds are available to cover the expenditures.

9.2.3 The Executive Council shall be composed of five elected members:

- a) four representatives who will be elected in the regional electoral district referred to in Section 10.4 by all the electors of the Territory;
- b) one representative who will be elected as its Leader in the regional electoral district referred to in Section 10.4 by all the electors of the Territory.

- 9.2.4 The members of the Executive Council shall be sworn in as such by the Clerk before being able to sit in the Nunavik Assembly as members of the Executive Council.

For the initial election, the members of the Executive Council shall be sworn in as such by a member of the honorary tribunal referred to in Section 10.13 before being able to sit in the Nunavik Assembly as members of the Executive Council.

- 9.2.5 At the sitting of the Nunavik Assembly following an election, the Speaker of the Nunavik Assembly shall invite the Leader to recommend to the Nunavik Assembly the assignment, to each of the members of the Executive Council, of titles, duties and responsibilities for one or more departments or secretariats of the Administration.

The Leader may recommend that more than one area of responsibility be assigned to any member of the Executive Council, including himself. The Leader is responsible for the Secretariat general.

- 9.2.6 The Leader shall also recommend to the Nunavik Assembly the designation of a member of the Executive Council as Deputy Leader. The Deputy Leader shall perform all the duties of the Leader whenever the latter is absent or unable to act.

- 9.2.7 The Leader shall be able, when he deems it appropriate, to recommend to the Nunavik Assembly the reassignment of the titles, duties and responsibilities of members of the Executive Council.

- 9.2.8 In the case of a vacancy in any of the positions of the Executive Council, the Leader shall recommend to the Nunavik Assembly the selection of a temporary replacement from among the other members of the Nunavik Assembly, with the exception of the Speaker and Deputy Speaker, for a period not exceeding six months or until the vacancy is filled through a by-election.

- 9.2.9 The recommendations referred to in Sections 9.2.5 to 9.2.8 shall be approved by way of a resolution of the Nunavik Assembly.

In the event that a recommendation is rejected by the Nunavik Assembly, the Leader shall submit a new recommendation following the same procedure.

- 9.2.10 The quorum for a meeting of the Executive Council shall consist of at least a majority of its members, and shall include the Leader. All decisions of the Executive Council shall be made by majority vote.

- 9.2.11 The members of the Executive Council shall be entitled to introduce business to, and respond to questions and debate in the Nunavik Assembly for matters coming under their area of responsibility.

- 9.2.12 The Leader shall call, chair and, in consultation with the other members of the Executive Council, prepare the agenda of meetings of the Executive Council.

- 9.2.13 The members of the Executive Council shall exercise their functions on a full-time basis and shall not, with the exception of their functions as members of the Nunavik Assembly, have any other remunerative employment or occupation.

9.3 ADMINISTRATION

- *General provisions*

9.3.1 The Administration of the NRG shall replace the administrations of KRG, KSB and NRBHSS. The Administration of the NRG shall assume all their duties, responsibilities and functions.

9.3.2 The Administration of the NRG shall preserve as much as possible the expertise and abilities of the administrations of KRG, KSB and NRBHSS.

- *Departments and secretariats*

9.3.3 The Administration of the NRG shall initially provide for the following departments:

- a) the Department of Health and Social Services, which shall include the administrative structure of NRBHSS except its administrative support services;
- b) the Department of Education, which shall include the administrative structure of KSB except its administrative support services;
- c) the Department of Local and Regional Affairs, which shall include the administrative structure of KRG except its administrative support services;
- d) the Department of Central Administration and Finances, which shall group together the administrative support services of human, financial, material and communication resources of KRG, KSB and NRBHSS.

9.3.4 The Administration of the NRG shall also initially provide for the following Secretariats:

- a) the Secretariat General responsible for administrative support to the Executive Council, for liaison and coordination between departments and secretariats, for legal affairs, for access to information and protection of personal information for the Executive Council and for the Administration, for relations with governments and circumpolar affairs;
- b) the Budget and Resource Management Policy Secretariat responsible for the NRG overall budget and expenditure control processes. It shall be the financial and resource management control arm of the Executive Council and the Nunavik Assembly.

9.3.5 The Nunavik Assembly may determine the structure of the departments and the secretariats.

However, the departments and secretariats shall remain as they are described in Section 9.3.3 and 9.3.4 for at least a one-year period following the Amalgamation Date.

- *Senior management*

9.3.6 The Executive Council shall, upon recommendation of the Leader, appoint a Secretary General responsible for the Secretariat General. The Secretary General shall be under the authority of the Leader.

9.3.7 The Executive Council shall, upon recommendation of the Leader, appoint a Director General responsible for each Department of the NRG and a Director responsible for the Budget and Resource Management Policy Secretariat according to procedure and criteria to be set out by the Nunavik Assembly. These Director Generals and Director shall be under the administrative authority of the Secretary General.

- *Labour relations*

9.3.8 The NRG shall be bound by the union accreditations, collective agreements and contracts of employment in force on the Amalgamation Date.

The NRG shall facilitate, whenever possible, the staff's mobility between its different administrative units.

The NRG shall be bound by the programs and laws on pay equity and, as the case may be, by the pay equity audit provided for in Section 76.1 of the *Pay Equity Act*, (R.S.Q., c. E-12.001).

9.3.9 Working conditions of all employees of the Department of Education shall be determined in accordance with the negotiation process provided for in the *Act Respecting the Process of Negotiation of the Collective Agreements in the Public and Parapublic Sectors* (R.S.Q., c. R-8.2). Québec and the NRG may agree on new arrangements for a greater role of the NRG in this process and consult the unions to that extent.

Working conditions of all employees of the Department of Health and Social Services shall be determined in accordance with laws of Québec applicable to Health and Social Services Agencies in these matters.

Working conditions of all other unionized employees of the NRG shall be negotiated by the latter in accordance with the negotiation process provided for in the *Labour Code* (R.S.Q., c. C-27) or any other applicable laws as the case may be.

Working conditions of non-unionized employees and of the managerial staff of the NRG shall be determined by the latter in accordance with applicable laws of Quebec.

9.3.10 Nothing in this Agreement shall affect the applicability or operability of federal labour laws.

9.3.11 The job descriptions of positions needed to be filled in the Secretariat General, the Budget and Resource Management Policy Secretariat and the Department of Central Administration and Finance shall be determined by the Transition Committee provided for in Section 15.1.1. The Transition Committee shall also determine, in accordance with parameters established by Québec, the initial working conditions of employees and managerial staff who will work in those three administrative units.

The Transition Committee shall select, for the NRG, candidates for those new positions, considering first the employees and managerial staff of KRG, KSB and NRHBSS who will apply and provide them with proper training in time for the Amalgamation Date.

10. ELECTIONS OF NUNAVIK ASSEMBLY AND EXECUTIVE COUNCIL

- 10.1 The general rules and procedures applicable to the election of the Nunavik Assembly and the Executive Council shall be the ones referred to in Sections 10.2 to 10.14. In addition to these general rules and procedures, a detailed set of rules and procedures shall be proposed by the Directeur général des élections du Québec in order to be part of the legislation referred to in Section 6.7.

The Nunavik Assembly may propose to Québec modifications to these electoral rules and procedures.

- 10.2 The Nunavik Assembly shall appoint, on a recommendation from the Leader, a Chief returning officer responsible for the elections. The appointment shall be done by way of a resolution of the Nunavik Assembly. The Chief returning officer shall be an elector.

The Secretary-Treasurer of each Northern Village shall act as local returning officer in his electoral district. The local returning officer shall appoint someone to assist him in his duties.

The Directeur Général des Elections du Québec may, on a request made by the Chief returning officer, provide assistance on the holding of elections of the members of the Nunavik Assembly and the Executive Council.

The initial election for members of the Nunavik Assembly and the Executive Council shall be organized by the Chief returning officer appointed by the Transition Committee referred to in Section 15.1.1. The Directeur général des élections du Québec shall, in accordance with the mandate given to him by the Assemblée nationale du Québec on June 17, 2009 in conformity with Section 485 of the *Election Act* (R.S.Q., c.E-3.3), provide support and advice to the Chief Returning Officer.

- 10.3 Polling for the general election of the members of the Nunavik Assembly and the Executive Council shall be held every three years on the first Wednesday of November.

Polling for the initial election of the members of the Nunavik Assembly and the Executive Council shall be at least thirty (30) days prior to the Amalgamation Date.

- 10.4 There shall be 14 local electoral districts in Nunavik. Each Northern Village shall be included in a distinct local electoral district. The boundaries of the local electoral districts shall not be limited to the municipal boundaries, and shall be delineated to ensure that all of Nunavik is covered by local electoral districts. A map showing the boundaries of the 14 local electoral districts shall be included in the legislation referred to in Section 6.7 and in the Transition Guide.

For the purpose of the elections of the members of the Executive Council, Nunavik shall be a regional electoral district.

- 10.5 Every person who has attained eighteen years of age, is a Canadian citizen and has been domiciled in Nunavik for at least one year prior to the date of the election and who is not under curatorship or who is not deprived of his electoral rights pursuant to the electoral laws of Québec shall be qualified as an elector and shall be entitled to be entered on the electoral list.

To vote, a person has to be qualified as an elector on the polling day and has to be entered on the electoral list of the local district of his domicile.

- 10.6 The local returning officer shall draw up the list of electors of his electoral district from the permanent list of electors held by the Directeur général des élections du Québec.

Each elector shall have the opportunity to verify if his name is on the electoral list and to request any necessary modification during the revision period.

The local returning officer shall provide the Chief returning officer with a copy of the revised list of electors of his electoral district.

- 10.7 Any elector who has been domiciled or ordinarily resident of an electoral district for at least 36 months may be a candidate in such an electoral district.

The following persons shall not be eligible to be candidates:

- a) judges or magistrates remunerated by the federal or provincial government;
- b) persons involved in the management of the elections referred to in Section 10.2;
- c) election officers referred to in Section 136 of the *Election Act* (R.S.Q., c. E-3.3);
- d) any person convicted of an indictable offence punishable by imprisonment for two years or more, for the duration of the sentence.
- e) members of the honorary tribunal referred to in Section 10.13;

A candidate may not run in more than one electoral district at a time whether it is a local or a regional district.

Any person interested in running for election shall complete the prescribed nomination paper.

For the person seeking election as member representing a local electoral district, the nomination paper must be supported by the signatures of at least five electors who are domiciled in the electoral district of the candidate.

For a person seeking election as member of the Executive Council, the nomination paper must be supported by the signatures of at least fifteen (15) electors domiciled in a minimum of five (5) different local electoral districts.

- 10.8 If only one candidate files a nomination paper to run in a local electoral district, this candidate shall be declared elected.

If only one candidate files a nomination paper to run for the Leader position, this candidate shall be declared elected.

If only four candidates or less file a nomination paper to run for the Executive Council positions other than the Leader position, these candidates shall be declared elected.

If the number of candidates is inferior to the number of positions to be filled, either in a local or the regional electoral district, a new election shall take place to fill the position(s).

- 10.9 When an election is held, the local returning officer shall establish one or more polling stations in each electoral district, depending on the number of electors registered on the electoral list.

An advance poll shall be held during the week preceding polling day.

If an elector cannot vote in advance or on the polling day, special measures shall be established to allow the exercise of his right to vote.

10.10 There shall be a ballot for the election of the representative of the local electoral district, a ballot for the election of the Leader and a ballot for the election of the four other members of the Executive Council.

10.11 The candidate obtaining the greatest number of votes in each local electoral district shall be declared elected as member of the Nunavik Assembly by the Chief Returning Officer.

The members of the Executive Council shall be declared elected by the Chief Returning Officer in the following manner:

a) the candidate obtaining the greatest number of votes out of the candidates running specifically for the position of Leader of the Executive Council;

b) the four candidates obtaining the greatest number of votes out of the candidates running for the other positions on the Executive Council.

10.12 In the case of a tie vote, the Chief returning officer shall proceed to a second counting of votes or direct the local returning officer to do so.

If, following the second counting of votes, there is still a tie vote, a new election shall be organized between the candidates who received the same number of votes.

10.13 Any elector or any candidate in an electoral district may contest the election held in that district if the election or the declaration pertaining to it is irregular, or if a corrupt electoral practice was used whereby it is alleged that the election of a member is void.

The request to contest an election shall be transmitted to the Chief returning officer within 30 days of the declaration of election.

The request shall be heard by an honorary tribunal composed of three members appointed by way of a resolution adopted by the Nunavik Assembly. For the initial election, the members of the honorary tribunal shall be appointed by the Transition Committee.

10.14 Only candidates can make or authorize electoral expenses.

All expenses incurred during the election period to promote or oppose, directly or indirectly, the election of a candidate, are considered election expenses.

The maximum amount that a candidate may spend for his campaign and the maximum amount he may receive from an elector shall be determined in accordance with standards and practices accepted by Québec.

Only an elector may make a contribution. He shall do so out of his own property. The candidate shall pay his electoral expenses with contributions made by electors.

The candidate shall produce a report, which shall present the electoral expenses made and the contributions collected. He may be reimbursed for a part of his electoral expenses if he qualifies.

10.15 Notwithstanding sections 10.1 to 10.14, the Chief of the Naskapi Nation is ex-officio the representative of the Naskapi Nation of Kawawachikamach to the Nunavik Assembly.

11. BUDGET AND OTHER ELEMENTS OF THE FINANCIAL FRAMEWORK

11.1 The fiscal year of the NRG shall extend from April 1st to March 31st of each year.

11.2 As much as possible, powers and responsibilities of similar nature in matters of general administration and finance for the KRG, the KSB and the NRBHSS shall be harmonized in order to facilitate their exercise by the NRG. Such harmonization shall be done taking into account Section 11.3.

11.3 The NRG shall assume the financial responsibilities and undertakings of KRG, KSB and NRBHSS concerning notably budget, surpluses and deficits, financial statements, auditing, loans, contracts, liabilities and assets. These elements of the financial framework shall be carried out according to the following provisions:

a) Budget preparation and approval process, surplus and deficit

- (i) No later than three months prior to the ensuing fiscal year, the Secretary General shall draw up a draft budget and budgetary recommendations according to the procedure to be adopted by the Nunavik Assembly. The Secretary General shall do so under the direction of the Executive Council and with the support of the Budget and Resource Management Policy Secretariat. The draft budget and budgetary recommendations shall be sent to all members of the Nunavik Assembly and submitted at the next sitting of the Nunavik Assembly for consideration.
- (ii) The Nunavik Assembly shall finalize and adopt the budget before the beginning of the fiscal year. The adopted budget shall be transmitted to the Minister as well as the Quebec ministers responsible for municipal affairs, education, and health and social services within the first month of the fiscal year.
- (iii) If the Nunavik Assembly is unable to adopt the budget before the beginning of the fiscal year, the Minister may grant an extension for the adoption and transmission of the budget. Where the budget is not adopted on the first day of the fiscal year, one-twelfth of each appropriation provided for in the budget of the previous fiscal year is deemed to be adopted for each month the budget has not yet been adopted.
- (iv) In keeping with the procedure and requirements for drawing up, adopting and transmitting a budget, the Nunavik Assembly may adopt any supplementary budget which it deems necessary.
- (v) The Nunavik Assembly shall adopt a budget which maintains a balance between expenditures and the financial resources. However, the Minister may, on the conditions and according to the procedures he determines, authorize the Nunavik Assembly to adopt a budget that does not maintain such a balance.
- (vi) Any surplus or deficit for a fiscal year shall be entered as a revenue or an expenditure in the budget for the ensuing fiscal year. The Nunavik Assembly may decide that any surplus, or portion of any surplus, be appropriated to a reserve or reserves for specific needs.

b) Auditing

The Nunavik Assembly shall, at its last foreseeable sitting of the fiscal year, appoint auditors for the auditing of the accounts of the NRG for the following fiscal year. The auditors shall produce their report and recommendations within 120 days after the end of that fiscal year. The

report and recommendations shall be tabled in the Nunavik Assembly for approval. Once approved, a copy of the auditor's report and recommendations, certified by the Clerk, shall be made available for public viewing, and shall be sent to the Minister as well as the Quebec ministers responsible for municipal affairs, education, and health and social services, and to any Northern Village making a written request for these documents. The auditors appointed by the Nunavik Assembly shall be members of a professional accounting corporation recognized in Québec.

c) *Loans*

- (i) The Minister may authorize the NRG to contract, by resolution of the Nunavik Assembly, one or more loans for the terms and conditions determined by the Minister, and the Minister may grant a general authorization for such terms and conditions as he may determine.
- (ii) Notwithstanding the previous paragraph, the NRG may, by resolution of the Nunavik Assembly, and without the authorization of the Minister, order temporary loans for the payment of current administrative expenses and contract them on the conditions and for the term it determines.
- (iii) The NRG may, if so authorized by a Northern Village, order or contract a loan on behalf and in the name of the Northern Village. Provisions respecting the loans contracted by the NRG pursuant to Section 11.3 c) (i) shall apply in such cases. If so authorized by several Northern Villages, the NRG may order or contract a loan on behalf and in the name of those Northern Villages. The Northern Village on whose behalf the loan is made must pay to the NRG the sums necessary to reimburse the loan, including interest and costs. Whenever possible, the funds to be used to reimburse the loan shall be directed to the NRG and shall not transit through the Northern Village.

d) *Contracts*

The awarding by the NRG of construction, supply or services contracts shall be carried out respecting the obligations provided in the commercial intergovernmental agreements, present or future, to which Québec is a signatory or has declared itself bound.

e) *Other general financial provisions*

- (i) The budgeting and auditing responsibilities of the NRG shall take into account the existing school year and the requirements of *An Act respecting Northern Villages and the Kativik Regional Government* (R.S.Q., c.V-6.1) concerning budgeting and auditing operations of the Northern Villages.
- (ii) No ordinance, resolution or regulation of the Nunavik Assembly or resolution of the Executive Council authorizing or recommending the expenditure of monies shall have effect without a certificate by the Director of the Budget and Resource Management Policy Secretariat attesting that there are available funds.
- (iii) The Nunavik Assembly may establish a procedure where, in case of an emergency of such a nature as to imperil the life or health of the population or seriously damage the equipment of the NRG, the Leader may order any expenditure deemed necessary and award any contract necessary to remedy the situation.

- (iv) The NRG may deposit at interest in a Canadian chartered bank or a financial services cooperative, invest in the public funds of Canada or Québec, loan on a first hypothec, or purchase securities in a mutual fund provided for in the third paragraph of section 99 of the *Cities and Towns Act* (R.S.Q., c. C-19) any moneys belonging to it.
- (v) The NRG may accept any legacy, financial contribution, or other donation, provided that any obligations relating to such a legacy, financial contribution, or other donation, comes within its jurisdiction or field of responsibility, and can be accommodated within its budget.
- (vi) The NRG shall respect generally accepted accounting principles applicable to public institutions and recognized by Québec.

12. ADVISORY COUNCILS AND SPECIAL ADVISORY BODIES TO THE NUNAVIK ASSEMBLY

12.1 ADVISORY COUNCILS

12.1.1 The following Advisory Councils shall be established by the Nunavik Assembly and maintained for at least a three-year period following the Amalgamation Date:

- a) Advisory Council on Education;
- b) Advisory Council on Elders;
- c) Advisory Council on Health and Social Services;
- d) Advisory Council on municipal affairs.

The Naskapi Nation of Kawawachikamach shall be represented by one member on the Advisory Council on Elders.

12.1.2 The Nunavik Assembly may establish other advisory councils.

12.1.3 The Nunavik Assembly shall define the mandate, structure and procedures of the Advisory Councils, determine the number of members and appoint them.

12.1.4 The Nunavik Assembly may, at any time, modify the mandate, structure, number of members and procedures of the Advisory Councils.

12.1.5 After the three-year period following the Amalgamation Date, the Nunavik Assembly may maintain or abolish the Advisory Councils.

12.2 SPECIAL ADVISORY BODIES

12.2.1 The Nunavik Assembly may consult Nunavik organizations and associations as special advisory bodies.

12.2.2 The special advisory bodies may, at their own initiative, provide advice to the Nunavik Assembly in their respective field of expertise.

12.2.3 Except when provided for by the Nunavik Assembly, the special advisory bodies shall be consulted at their own expense.

13. BILATERAL COMMITTEE CONCERNING THE PORTION OF THE NASKAPI SECTOR NORTH OF THE 55TH PARALLEL

13.1 A permanent committee, to be known as "Bilateral Committee", shall be established on Amalgamation Date.

This Committee may consider certain matters relating to the portion of the Naskapi Sector north of the 55th parallel.

13.2 The Bilateral Committee shall be composed of three members appointed by the NRG and three members appointed by Naskapi Nation of Kawawachikamach and one member appointed by Québec, who shall be the chairperson and whose nomination shall be acceptable to both the NRG and the Naskapi Nation of Kawawachikamach.

13.3 Members of the Bilateral Committee may be appointed and replaced from time to time at the discretion of the appointing party. A member may give a proxy to another member appointed by the same appointing party.

13.4 The quorum of the Bilateral Committee shall be at least five members including the chairperson. Decisions of this committee shall be made by majority vote of those present in person or by proxy.

13.5 The Bilateral Committee shall have the ability:

a) to review and intervene in decisions of the NRG affecting the portion of the Naskapi Sector north of the 55th parallel; and

b) to make recommendations, in collaboration with the NRG, on place names within the portion of the Naskapi Sector north of the 55th parallel, to the Commission de toponymie du Québec.

13.6 Prior to making any decision affecting the portion of the Naskapi Sector north of the 55th parallel, the NRG shall:

a) provide the Bilateral Committee with a detailed written description of the proposed decision at least 60 days prior to making such decision; and

b) consult with and consider any recommendation made by the Bilateral Committee with respects to such proposed decision.

13.7 The Bilateral Committee shall have 60 days from the reception of the detailed written description referred to in Section 13.6 a) to submit its recommendations to the NRG. Should the Bilateral Committee decide not to submit recommendations or fail to submit its recommendations within 60 days, the NRG may proceed with the proposed decision without further notice.

13.8 The Bilateral Committee may choose to hold its meetings at the offices of the NRG, of the Naskapi Nation of Kawawachikamach or at any location agreed to by the members of the Bilateral Committee.

13.9 The expenses of the members appointed by the Naskapi Nation relating to the Bilateral Committee shall be covered by the NRG.

14. RELATIONS WITH GOVERNMENTS, MAKIVIK, CREE NATION (EYYOU ISTCHEE), FIRST NATIONS AND INUIT OF NEIGHBOURING REGIONS OF CANADA

- Relations with Québec

- 14.1 A minister of the Gouvernement du Québec shall be responsible for Québec's overall relationship with the NRG.
- 14.2 The NRG shall maintain a relationship similar to that of KRG, KSB and NRBHSS with ministers of the Gouvernement du Québec for matters within their respective fields of jurisdiction.

- Relations with Canada

- 14.3 The NRG shall maintain an ongoing and evolving relationship with Canada.

- Relations with Makivik Corporation

- 14.4 The NRG shall maintain an ongoing and evolving relationship with Makivik, the birthright organization safeguarding the rights, privileges, benefits and interests of the Inuit of Nunavik as defined notably in the JBNQA.

-Relations with the Cree Nation (Eeyou Istchee)

- 14.5 The consent of the Grand Council of the Crees (Eeyou Istchee) and of the Cree Regional Authority shall be needed for any changes to the NRG applying in or affecting Cree Category II lands under the meaning of the JBNQA located north of the 55th parallel.
- 14.6 The Parties and NRG shall consult with the Grand Council of the Crees (Eeyou Istchee) and the Cree Regional Authority on the terms of any Supplementary Agreement prior to concluding any such agreement.
- 14.7 The Grand Council of the Crees (Eeyou Istchee) and the Cree Regional Authority shall be consulted by the NRG prior to the NRG making recommendations to the Commission de toponymie du Québec in relation to designating or modifying any place names within the area north of the 55th parallel and in which the Crees have harvesting rights, interests or privileges.

- Relations with First Nations and Inuit of neighbouring regions of Canada

- 14.8 The NRG may enter into discussions with First Nations and Inuit of neighbouring regions of Canada on matters of common interest.

b) TRANSITION

15. TRANSITION

15.1 TRANSITION COMMITTEE

- 15.1.1 A Transition Committee shall be established in order to carry out a transition process which will ensure the orderly amalgamation of KRG, KSB and NRBHSS so that the NRG will be capable of functioning and fulfilling its duties on the Amalgamation Date.

15.1.2 The legislation referred to in Section 6.7 shall provide for the establishment of the Transition Committee. This legislation shall set out the powers, responsibilities and duration of the mandate of the Committee.

The transition process carried out by the Transition Committee shall extend from the date the Transition Committee is established until the Amalgamation Date.

15.1.3 The Transition Committee shall be a legal person. It shall have the power to maintain offices, hire staff and contract the services of outside experts.

15.1.4 The Transition Committee shall be composed of five members, and shall include individuals with direct experience in, and knowledge of the operations of KRG, KSB, and NRBHSS. Québec shall appoint the members of the Transition Committee, and consult the Parties on these appointments.

15.1.5 The Transition Committee shall cooperate with the employees and managerial staff of KRG, KSB and NRBHSS to facilitate the transition from these existing organizations to the NRG.

The Transition Committee may establish sub-committees to carry out specific tasks relating to the transition process.

15.1.6 The Transition Committee shall have the power and resources to complete the following tasks:

- a) ensure that the initial election of the members of the Nunavik Assembly and the Executive Council takes place and, for that purpose, appoint a Chief returning officer and the members of the honorary tribunal;
- b) finalize the initial rules and procedures of the Nunavik Assembly and ensure that necessary facilities and employees are in place for its operation;
- c) finalize the design and establish the initial structure, lines of authority, and mechanisms for the functioning of the Executive Council, the Secretariat General, the Budget and Resource Management Policy Secretariat, and the various Departments of the NRG;
- d) fulfill the specific task referred to in Section 9.3.11 before the Amalgamation Date;
- e) prepare the budget for the first year of operation for the NRG, and prepare a three year budget projection for the NRG;
- f) in coordination with KRG, KSB and NRBHSS, ensure that all provincial and federal funding mechanisms are adapted to the NRG;
- g) coordinate and oversee the implementation of a NRG governance training plan;
- h) coordinate and oversee the renovation and construction of facilities required for the NRG and its institutions;
- i) develop a process for the transfer of its responsibilities and its work to the Transition Directorate referred to in Section 15.2.1;
- j) develop a set of recommendations to be presented to the NRG on issues and matters that should be dealt with by the Transition Directorate;
- k) perform any other task required to fulfill its mandate.

15.1.7 The Transition Committee shall have the power to make decisions and enter into contracts that will be binding on the NRG for a period, to be specified in the legislation referred to in Section 6.7, after the Amalgamation Date.

It shall have the power to review decisions and budgets of the KRG, KSB, and NRBHSS to ensure that they are in keeping with the objective of this Agreement.

The Transition Committee shall consult the KRG, KSB, and NRBHSS, and the Parties to this Agreement, when exercising its powers.

15.1.8 The Transition Committee shall consult and consider the Transition Guide in the development of its own work plan in order to complete the transition activities.

15.1.9 The Transition Committee shall cease to exist on the Amalgamation Date.

15.2 TRANSITION DIRECTORATE

15.2.1 Immediately following the Amalgamation Date, the Secretary General shall establish a temporary Transition Directorate and appoint its members.

The mandate of the Transition Directorate shall be to take over responsibilities and the work of the Transition Committee, as contemplated in Section 15.1.6 (i), and to make detailed recommendations within six months for the harmonization of the human resources, operations, functions, policies, procedures and other resources of the administrative support services.

15.2.2 The Secretary General shall chair the Transition Directorate.

15.2.3 The Transition Directorate shall submit its recommendations to the Executive Council for consideration and decision.

B. PHASE TWO

16. SUPPLEMENTARY AGREEMENT

16.1 As soon as possible after the Amalgamation Date, upon request from the NRG, the Parties and NRG shall seek to obtain the necessary authorities to undertake a second phase of negotiation.

16.2 The NRG shall, jointly with Makivik, be a party to the negotiation of any supplementary agreement.

16.3 The objective of this second phase shall be the negotiation of a supplementary agreement or supplementary agreements which could provide, as the case may be, new powers to the NRG as could be defined in such supplementary agreement or supplementary agreements and which could be inspired by the recommendations found in the 2001 Report of the Nunavik Commission entitled "Let Us Share".

16.4 Any supplementary agreement shall be consistent with all the overriding principles referred to in Section 3 of this Agreement.

16.5 Nothing in this Agreement shall be interpreted as limiting the scope or subject matter of any supplementary agreement.

- 16.6 Québec, Canada and Makivik, the latter jointly with NRG, may terminate or suspend the negotiations of any supplementary agreement, for cause, by giving the other Parties written notice of its intention.
- 16.7 The Naskapi Nation of Kawawachikamach shall be entitled to participate in the negotiations of any supplementary agreement that may affect the portion of the Naskapi Sector north of the 55th parallel.

PART III
FINANCING

17. FINANCING

- Financial transfers for existing funding

- 17.1 After the Amalgamation Date, Québec and Canada will direct all the financial transfers concerning KRG, KSB and NRBHSS to the NRG, except the financial transfers referred to in Sections 17.8 and 17.9.
- 17.2 The portion of the financial transfers associated with the operation, administration and function of the Boards, Councils and the executive bodies and with the administrative support services of KRG, KSB and NRBHSS shall be consolidated and directed towards the costs of the Nunavik Assembly, the Executive Council, the Secretariat General, the Budget and Resource Management Policy Secretariat and the Department of Central Administration and Finances of the NRG.
- 17.3 The financial transfers associated with KRG, except the portion referred to in Section 17.2, shall, subject to the appropriate funding agreements and legal requirements, be used exclusively to finance the operations and administration of, and the delivery of programs and services provided by the Department of Local and Regional Affairs. The foregoing shall not prejudice the discretionary power of the NRG to make decisions within the spirit of this Agreement.
- 17.4 The financial transfers associated with KSB, except the portion referred to in Section 17.2, shall, subject to the appropriate funding agreements and legal requirements, be used exclusively to finance the operations and administration of, and the delivery of programs and services provided by the Department of Education. The foregoing shall not prejudice the discretionary power of the NRG to make decisions within the spirit of this Agreement.
- 17.5 The financial transfers associated with NRBHSS, except the portion referred to in Section 17.2, shall, subject to the appropriate funding agreements and legal requirements, be used exclusively to finance the operations and administration of, and the delivery of programs and services provided by the Department of Health and Social Services. The foregoing shall not prejudice the discretionary power of the NRG to make decisions within the spirit of this Agreement.
- 17.6 Financial transfer arrangements shall include program and service delivery standards, objectives and accountability provisions to Québec and Canada for funds provided.
- 17.7 Any economies of scale achieved through the creation of the NRG shall be used to improve the services available to the population.

Financial transfers from Canada to Québec

- 17.8 The financial transfers from Canada for education transferred directly to Québec shall continue according to the JBNQA.

17.9 The financial transfers from Canada for housing transferred directly to Québec shall continue to apply according to the existing agreements.

Tripartite agreement

17.10 The financial transfers from Canada and Québec included in tripartite agreements shall continue to apply according to the existing agreements.

- Review of existing and introduction of new funding regimes

17.11 The existing funding regimes of the NRG shall be reviewed by NRG, Québec and Canada for the first time no later than three years after the Amalgamation Date in order to reach the objective referred to in Section 17.12. Thereafter, such a review shall be conducted every five years.

17.12 The NRG, Québec and Canada shall work co-operatively toward reaching the objective of introducing new funding regimes suited to the NRG and, where appropriate, the development of block funding agreements for recurrent programs and services.

17.13 The introduction of the new funding regimes shall include all existing financial transfer arrangements with KRG, KSB and NRBHSS in force on Amalgamation Date, including all services in kind such as personnel, training or material currently provided by Québec and/or Canada.

- Fiscal Financing Agreement for New Governance Funding transferred under this Agreement

17.14 Prior to the signing of this Agreement, the Parties shall negotiate an initial fiscal financing agreement, which shall cover solely new governance funding.

New governance funding consists of recurrent and non-recurrent governance funding that is over and above the funding provided to the KRG, KSB and NRBHSS as of Amalgamation Date.

The initial fiscal financing agreement shall:

- a) not form part of this Agreement;
- b) not constitute a treaty within the meaning of Section 35 of the Constitution Act, 1982;
- c) be a contract among the Parties, which shall bind the NRG upon Amalgamation Date;
- d) set out mechanisms solely for the transfer of new governance funding to the NRG from Québec and Canada;
- e) set out NRG's contribution to new governance funding from its own source revenues as determined under Sections 17.18 to 17.20;
- f) set out procedures for, among other things:
 - (i) the collection and exchange of information, including statistical and financial information;
 - (ii) accountability to Québec and Canada for funds provided;

- (iii) dispute resolution;
- (iv) other matters as agreed to by the Parties.

g) take into account the costs of operating the NRG and any other matter that may be agreed to by the Parties.

17.15 Subsequent funding arrangements following the termination of the initial fiscal financing agreement will be subject to the prevailing fiscal policies of Québec and Canada at the time of renewal.

17.16 Québec and Canada shall not have any financial obligation in relation to NRG other than as set out in the initial fiscal financing agreement or provided through subsequent or existing funding arrangements including those flowing from the JBNQA.

17.17 For greater certainty, where the Parties agree in the initial fiscal financing agreement that Québec and Canada will provide non-recurrent funding, Québec and Canada have no obligation to negotiate the provision of further non-recurrent funding for any of the responsibilities specified.

- Own Source Revenue Regime

17.18 Québec, Canada and the NRG shall each have a role in supporting the governance of the NRG, through direct or indirect financial support or through access to public programs and services, as set out in the fiscal financing agreement or provided through subsequent or existing funding arrangements including those flowing from the JBNQA.

17.19 The own source revenue contribution of the NRG shall take the following into account:

- a) the OSR regime shall apply to new governance funding as described in Section 17.14;
- b) the capacity of NRG to generate revenues;
- c) the prevailing fiscal policies on the treatment of own source revenue in fiscal arrangements;
- d) that own source revenue arrangements should not unreasonably reduce incentives for NRG to generate revenues;
- e) that the reliance of NRG on fiscal transfers should decrease over time as it becomes more self-sufficient; and
- f) other matters as agreed to by the NRG, Québec and Canada.

17.20 Unless otherwise agreed:

- a) own source revenue arrangements shall not include:
 - (i) federal or provincial funding arrangements for programs and services;
 - (ii) other sources agreed by the NRG, Québec and Canada; and

b) own source revenue arrangements shall not permit:

- (i) Canada to benefit from the decision of Québec to transfer revenues to the NRG; or
- (ii) Québec to benefit from the decision of Canada to transfer revenues to the NRG.

- Appropriation of funds

17.21 Financial transfers from Canada referred to in Sections 17.8 and 17.9, financial transfers from Canada and Québec referred to in Section 17.10, the amounts of funding required for the purpose of introducing new funding regimes referred to in Sections 17.11 to 17.13 and the initial fiscal financing agreement are subject to the appropriation of funds by the Assemblée nationale du Québec and the Parliament of Canada in relation to their respective funding.

PART IV
IMPLEMENTATION

18. IMPLEMENTATION

18.1 IMPLEMENTATION PLAN

18.1.1 An Implementation Plan accompanies this Agreement but does not form part of it.

18.1.2 The Implementation Plan shall be a legally binding contract between the Parties.

18.1.3 The Annex of the Implementation Plan sets out the activities, responsibilities, and time frames with the implementation of this Agreement. Notwithstanding Section 18.1.2, the Annex of the Implementation Plan shall not create any legal obligations.

18.1.4 The Implementation Plan does not preclude any Party from asserting that rights or obligations exist in this Agreement even though they are not referred to in the Implementation Plan.

The Implementation Plan shall not be used to interpret this Agreement.

18.1.5 In the event of conflict or inconsistency between this Agreement and the Implementation Plan, this Agreement shall prevail.

18.1.6 The Implementation Plan has a term of 10 years, commencing on the date when this Agreement comes into force. Such a term may be renewed, extended or modified upon agreement of the Parties.

18.1.7 The Implementation Plan may be amended by the written consent of the Parties.

18.2 IMPLEMENTATION COMMITTEE

18.2.1 On the date when this Agreement comes into force, the Parties will establish an Implementation Committee.

18.2.2 The Implementation Committee shall have the following duties and responsibilities:

- a) monitor the implementation of this Agreement and the Implementation Plan;
- b) act as an initial forum to discuss any implementation issues related to the implementation of this Agreement without in any way limiting access to the dispute resolution mechanism referred to in Section 22 of this Agreement;
- c) conduct periodic reviews of the implementation of this Agreement and produce progress reports in accordance with Sections 18.3.1 and 18.3.2;
- d) revise and, when required, amend the Annex of the Implementation Plan;
- e) establish its own internal procedures;
- f) and address other matters as agreed to by the Parties and the NRG.

18.2.3 The Implementation Committee consists of three(3) members, one designated by Canada, one by Makivik and one by Québec. Additional individuals may participate in the Implementation Committee meetings to support or assist a member. The Parties will each appoint their first member of the Implementation Committee on the date when this Agreement comes into force. The NRG, upon Amalgamation Date, shall participate in the Implementation Committee.

18.2.4 Each Party and the NRG shall be responsible for the costs of its participation to the Implementation Committee.

18.2.5 The Implementation Committee shall be for the same term as the Implementation Plan.

18.3 PERIODIC REVIEW

18.3.1 The Implementation Committee shall conduct its first periodic review, as provided for in paragraph 18.2.2 c), no later than 3 years following Amalgamation date. Thereafter, the Implementation Committee shall conduct its periodic reviews every five years.

18.3.2 The Implementation Committee shall develop terms of reference for each periodic review.

The purpose of such periodic review shall be to:

- a) ensure that this Agreement is being implemented in accordance with its provisions;
- b) produce a progress report to the Parties and the NRG on the creation of the NRG;
- c) discuss any other matters related to this Agreement, as agreed upon by the Parties and NRG.

PART V

RATIFICATION, COMING INTO FORCE, AMENDMENT AND DISPUTE RESOLUTION

19. RATIFICATION

19.1 RATIFICATION PROCESS

19.1.1 This Agreement shall be subject to the following ratification process:

- a) The ministre responsable des Affaires autochtones and the ministre responsable des Affaires intergouvernementales canadiennes shall take measures to submit this Agreement for the approval by the Gouvernement du Québec.
- b) The Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and non-Status Indians shall take measures to submit this Agreement for consideration for approval by the Government of Canada. As per Canada's policies, the approval by the Government of Canada shall be subject to the condition that a majority of the votes entered in the referendum referred to in Section 19.1.1 c) are in favour of the Agreement and this majority represents at least 25% plus one of all eligible voters.
- c) This Agreement shall be submitted for the approval of the residents of Nunavik by way of a referendum to be organized with the support and according to the rules and procedures set in collaboration with the Directeur général des élections du Québec, in accordance with the mandate given to him by the Assemblée nationale du Québec on June 17, 2009 in conformity with Section 485 of the *Election Act* (R.S.Q., c.E-3.3).

19.2 REFERENDUM

19.2.1 The referendum referred to in Section 19.1.1 c) shall be under the responsibility of a Chief Returning Officer designated by Makivik in consultation with the Parties.

19.2.2 The Chief Returning Officer shall be sworn in by the Directeur général des élections du Québec.

19.2.3 The Chief Returning Officer shall see to the application of the rules and procedures for the referendum. He shall be assisted by a Deputy Chief Returning Officer appointed by the Directeur général des élections du Québec.

19.2.4 The following rules and procedures shall apply to the referendum:

- a) The Secretary-Treasurer of each Northern Village shall act as local returning officer and shall appoint someone to assist him in his duties;
- b) Every person who has attained eighteen years of age, is a Canadian citizen, has been domiciled in Nunavik for at least one year prior to the date of the referendum or who is domiciled outside of Nunavik and is registered on the Inuit Beneficiaries register of the JBNQA, is not under curatorship and is not deprived of his electoral rights pursuant to the electoral laws of Québec shall be entitled to be entered on the list of voters and shall qualify to vote in the referendum.

To vote, a person must be entered on the list of voters of the Northern Village where he is domiciled or, for a beneficiary domiciled outside of Nunavik, on the list of voters of the Inuit community to which he is affiliated.

In regard to the beneficiaries of the JBNQA domiciled outside of Nunavik, the Chief Returning Officer shall have the responsibilities of a Local Returning Officer as defined in paragraphs a) and c), with all necessary adjustments. He shall notably ensure that the persons registered on the Inuit Beneficiaries List and domiciled outside of Nunavik be entered on the list of voters insofar as, in other respects, they qualify as voters. The chief returning officer shall take measures to allow these persons to exercise their right to vote.

- c) The local returning officer shall draw up a list of voters of the Northern Village he is responsible for from the permanent list of electors held by the Directeur général des élections du Québec.

Each voter shall have the opportunity to verify if his name is on the list of voters and to request any necessary modification during the revision period.

The returning local officer shall provide the Chief Returning Officer with a copy of the revised list of voters of the Northern Village he is responsible for.

- d) The local returning officer shall establish one or more polling stations in his Northern Village, depending on the number of voters registered on the list of voters.

An advance poll shall be held during the week preceding the date of the referendum.

If a voter cannot vote in advance or on the date of the referendum, special measures shall be taken to allow him the exercise of his right to vote.

- e) Following the counting of votes, the Chief Returning Officer shall declare the result of the referendum.
- f) In the case of a tie result, the Chief Returning Officer shall proceed to a second counting of votes.

If, following the second counting of votes, there is still a tie result, a new referendum shall be organized.

- g) Any voter may contest the result of the referendum if the referendum or the declaration pertaining to it is irregular, or if a corrupt voting practice was used whereby it is alleged that the referendum is void.

The request to contest the referendum shall be transmitted to an honorary tribunal within thirty (30) days after the declaration of the result of the referendum.

The request to contest the referendum shall be heard by the honorary tribunal, which shall be composed of three members appointed by the DGEQ upon recommendation from Makivik.

19.2.5 Prior to the referendum, the Parties shall publicize this Agreement and provide the population of Nunavik with proper information on its content.

19.2.6 The Parties shall agree on provisions to ensure equity and transparency during the referendum process on this Agreement, in order to allow that all opinions have an equal chance to be expressed. Such provisions shall be determined following the recommendations of the Directeur général des élections du Québec.

19.2.7 Every voter to the referendum shall be remitted with a ballot on which the following question shall appear: «Do you approve the Final Agreement on the creation of the Nunavik Regional Government?»

19.2.8 This Agreement shall be deemed to be approved by the residents of Nunavik if a majority of the votes entered are in favor of this Agreement.

19.2.9 The referendum shall take place on April 27th, 2011.

20. COMING INTO FORCE

This Agreement shall come into force upon its signing by all the Parties.

21. AMENDMENT

This Agreement may be amended with the written consent of the Parties. The Parties undertake to consult the NRG prior to amending this Agreement.

22. DISPUTE RESOLUTION MECHANISM

The Parties and the NRG will endeavour to avoid recourse to the judicial system for the purposes of the interpretation and implementation of this Agreement. To that end, the Parties provide for the following dispute resolution mechanism:

- a) For the purposes of this dispute resolution mechanism, a dispute is defined as any dispute or disagreement with respect to the interpretation or implementation of this Agreement.
- b) Only the Parties and the NRG, as of the Amalgamation Date, are authorized to bring disputes for resolution under the present dispute resolution mechanism.
- c) The parties to a dispute endeavor in good faith to settle the dispute through informal discussions in order to arrive at a mutually satisfactory solution.

Failing resolution by the parties to a dispute through informal discussions and where it is agreed to by the parties to a dispute, the dispute shall be referred to an independent and impartial third party for mediation in accordance with the following provisions:

- (i) the mediator shall be appointed jointly by the parties to a dispute, and failing agreement, by a Judge of the Superior Court, upon application to the court;
- (ii) the parties to a dispute shall each submit to the mediator their views on the issue in dispute;

- (iii) the mediation process and all proceedings in connection therewith shall be and will remain confidential;
- (iv) the mediator shall not issue a report or make any recommendations unless authorized to do so by the parties to a dispute;
- (v) any party to a dispute may request that the mediator terminate the mediation process when there are reasonable and probable grounds to believe that, despite the best efforts of the parties to a dispute acting in good faith, no settlement is likely to be reached in the dispute through mediation.
- (vi) Each party to a dispute will bear the costs of its own participation in any mediation.

The parties to a dispute may agree to grant to the mediator the powers, authority and jurisdiction of an arbitrator, the whole within the meaning, and as provided for in the *Civil Code of Québec* and the *Code of Civil Procedure of Québec*.

At any time during the course of the mediation process, the parties to a dispute may, if they deem it necessary, jointly agree to replace the mediator by a new mediator or by an arbitrator.

For Makivik Corporation:

Pita Aatami, President

Date

For the Gouvernement du Québec:

Geoffrey Kelley, ministre responsable
des Affaires autochtones

Date

Pierre Moreau, ministre responsable des
Affaires intergouvernementales
canadiennes et de la Francophonie
canadienne

Date

For the Government of Canada:

John Duncan, Minister of Indian Affairs
and Northern Development and Federal
Interlocutor for Metis and non-Status
Indians

Date

