



APPLICATION FOR NSRT ENTRY ORDER (RPP 2.1) #1

Access to Inuit-Owned Lands (RPP 2.1.1) (NSRTA Division 2 ss. 133-142) #2

Access to Non-Inuit-Owned Lands (RPP 2.1.2) (NSRTA Division 3 ss. 143-149) #3

To Exercise Mineral Rights (RPP 2.1.1.1) (NSRTA s.133) #4

To Prospect for Minerals (RPP 2.1.1.2) (NSRTA s. 134) #5

To Cross Inuit-Owned Lands to Exercise Mineral Rights on Non-Inuit-Owned Lands (RPP 2.1.1.3) (NSRTA s. 135) #6

For Commercial Purposes other than the Exercise of Mineral Rights (RPP 2.1.1.14) (NSRTA s.136) #7

For Removal of Construction Materials (RPP 2.1.1.15) (NSRTA s. 137) #8

For Removal of Specified Substances (Carving Stone) on Inuit-Owned Lands (NSRTA s. 150) (RPP 2.1.1.6) #9

For Exercise of Mineral Rights (NSRTA ss. 144-149) #10

Resolving Conflicts Between Right to Remove Minerals and Carving Stone on Crown Lands (NSRTA s 151(1)) (RPP 2.1.1.7) #11

Applicant must attempt on a “without prejudice” basis to resolve matter in dispute by good faith negotiation (RPP 3.2.1) (NSRTA s. 117(1)) #12

Negotiation Successful #13

Negotiation Unsuccessful #14

Parties by consent wish negotiated dispute resolution/settlement to be formalized in a NSRT Order or NSRT finds material change in facts or circumstances upon which resolution/settlement is based (NSRTA s. 117(2)) #15

Parties do not wish negotiated dispute resolution/settlement to be formalized in a NSRT Order (NSRTA s. 117 (2) &118) #18

No application for NSRT Order is made #19

Negotiated resolution/settlement does not become Order of the NSRT #20

Apply for NSRT Entry Order (RPP 3.2.2) #21

Applicants to obtain, complete and submit to the NSRT for filing an “Initial Application Form” for NSRT Entry Order in paper or electronic format (RPP 3.2.2 & RPP Schedule A.1) #22

Applicants receive filed copy of Initial Application Form for NSRT Entry Order in either paper or electronic format from the NSRT #23

Interlocutory Application (Optional) (RPP 5.2 & Schedule A.5) that Negotiation does not meet legislative requirements (RPP 3.2.1) (NSRTA s. 117 (1)) #24

Unsuccessful #25

Successful #26

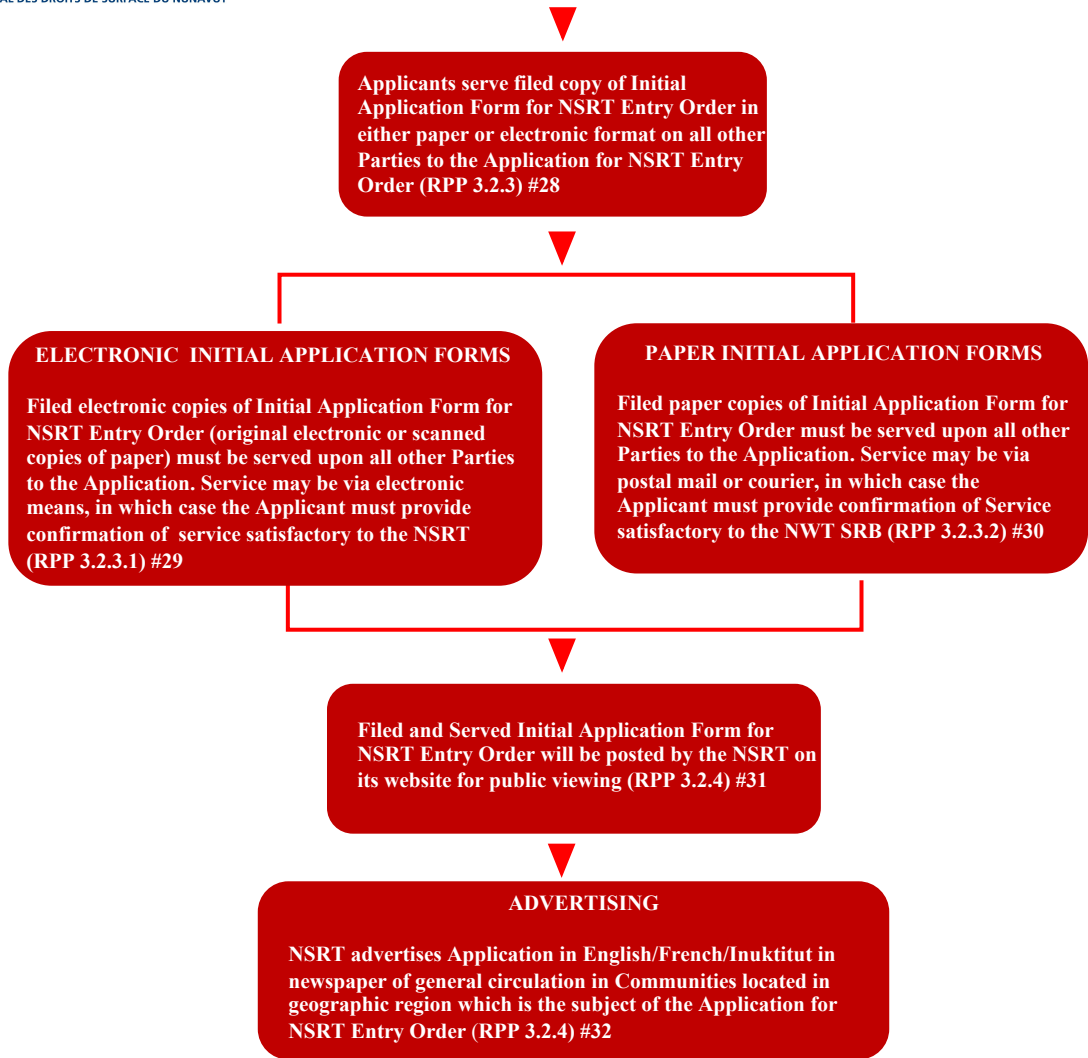
New Negotiations Ordered #27

Parties to obtain Initial Application Form for Application for NSRT Entry Order (RPP) and submit it to the NSRT (RPP) along with copy of Entry Agreement between the Parties #16

NSRT to include resolution/settlement in NSRT Entry Order (NSRTA s. 117(2)) #17

*RPP = Rules of Process and Procedure

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APPLICATION FOR NSRT ENTRY ORDER (RPP 2.1) #33

PRE-HEARING PROCEDURE (RPP 5.0) #34

**Pre-Hearing
Conferences
(RPP 5.5) #35**

**Interlocutory
Proceedings
#36**

**Documents
#37**

**NSRT Request
for Information
#38**

**Practice Directions
#39**

The NSRT may require that Parties attend one or more Pre-Hearing conferences (meetings) prior to a Hearing. Information relating to the details of a Pre-Hearing conference will be provided by the NSRT to the Parties in advance of Pre-Hearing conference(s) (RPP 5.5.1) #40



APPLICATION FOR NSRT ENTRY ORDER (RPP 2.1) #41

PRE-HEARING PROCEDURE #42

Pre-Hearing
Conferences
#43

Interlocutory
Proceedings
(RPP 5.2) #44

Documents #45

NSRT Request for
Information #46

Practice
Directions #47

In the event that one or more Parties to any NSRT proceeding wishes to raise an issue relating primarily to matters of process or procedure in resolving a dispute (not the substance of a dispute), any Party may bring an Interlocutory Application to address the issue (RPP 5.2) #48

Any Party wishing to make an Interlocutory Application should obtain, complete and submit to the NSRT for filing an “Interlocutory Application Form” (RPP Schedule A.5) in paper or electronic format (RPP 5.2.1) #49

The filing Party will receive filed copy of “Interlocutory Application Form” in either paper or electronic format from the NSRT #50

The filing Party will serve filed copy of “Interlocutory Application Form” in either paper or electronic format on all Parties to an NSRT proceeding (RPP) #51

ELECTRONIC “INTERLOCUTORY APPLICATION FORMS”

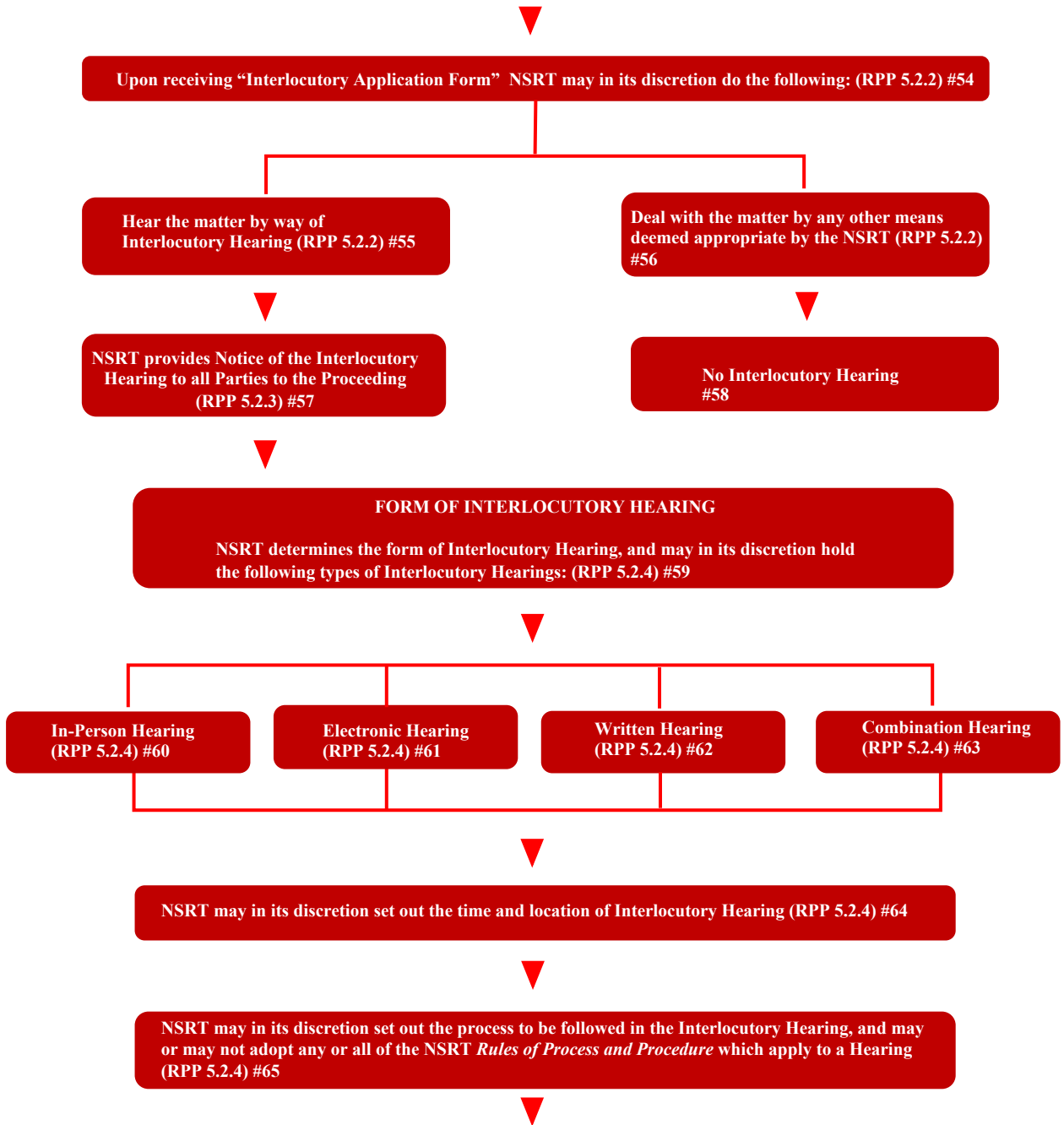
Filed electronic copies of “Interlocutory Application Form” (original electronic or scanned copies of paper) may be served electronically on other Parties, in which case the Applicant must provide confirmation of service satisfactory to the NSRT including sworn Affidavit of Service (RPP 5.2.1 & Schedule A.7) #52

PAPER “INTERLOCUTORY APPLICATION FORMS”

Filed paper copies of “Interlocutory Application Form” may be served via postal mail or courier, in which case the Applicant must provide confirmation of service satisfactory to the NSRT including sworn Affidavit of Service (RPP 5.2.1 & Schedule A.7) #53

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Upon considering an Interlocutory Application by way of a Hearing, the Member(s) of the NSRT hearing the Application shall render a Decision (Order with reasons) with respect to the Interlocutory Application, which Decision will be in writing and shall include reasons for the Decision (RPP 5.2.6) #66



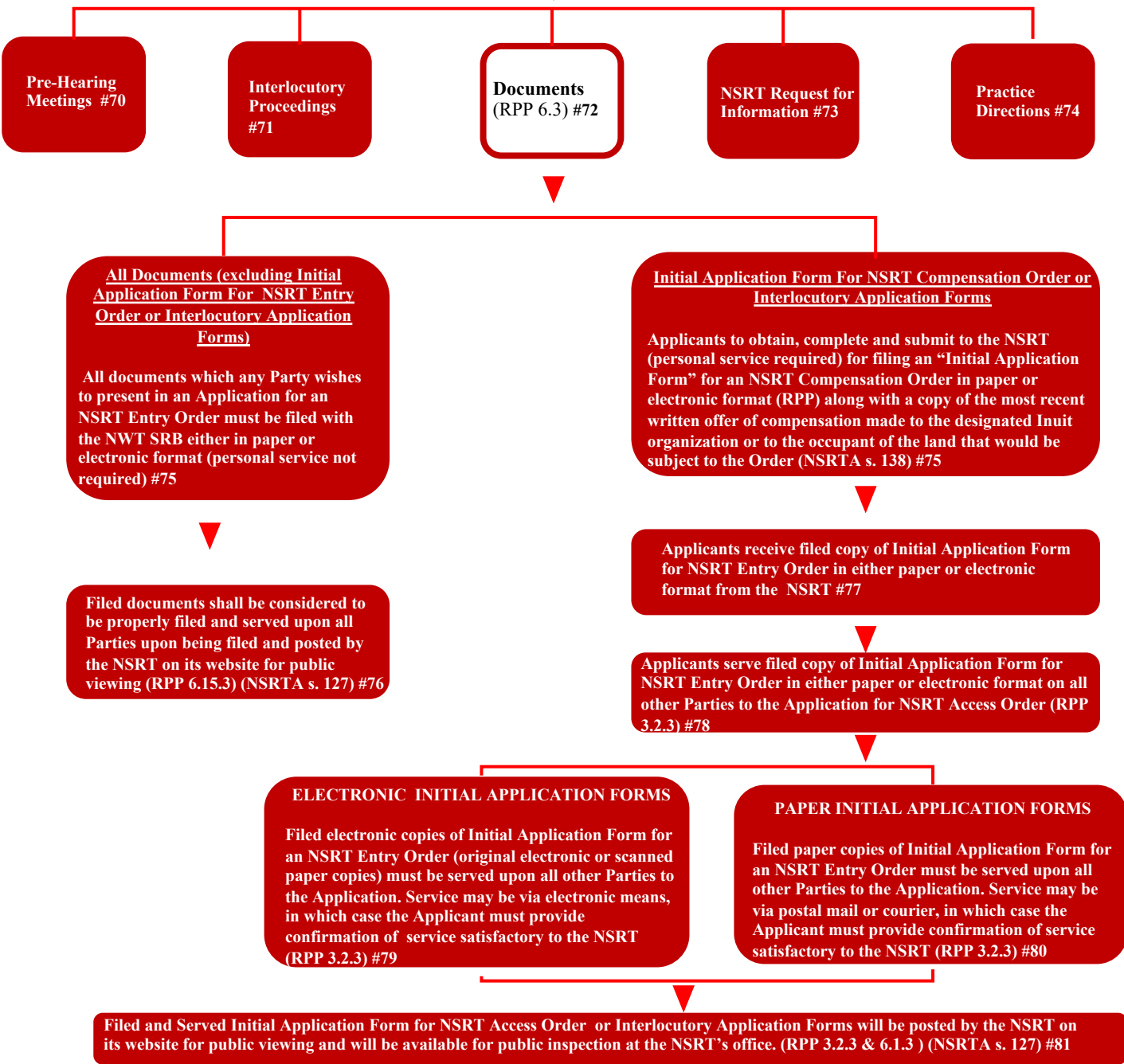
NWT SRB Interlocutory Decision to be provided by the NSRT to every Party participating in the Interlocutory Application and published on the NSRT website. (RPP 5.2.7) #67

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APPLICATION FOR NSRT ENTRY ORDER (RPP 2.1) #68

PRE-HEARING PROCEDURE #69



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APPLICATION FOR NSRT ENTRY ORDER (RPP 2.1) #82

PRE-HEARING PROCEDURE #83



At any time in its proceedings, the NSRT may request additional information from any Party to those proceedings. (RPP 6.15.1)

“The Tribunal has, with respect to the attendance and examination of witnesses, the production and inspection of documents and all other matters necessary or proper in relation to applications before the Tribunal, all the powers, rights and privileges of a superior court.” (NSRTA s. 120) #89

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APPLICATION FOR NSRT ENTRY ORDER (RPP 2.1) #90

PRE-HEARING PROCEDURE #91

Pre-Hearing Meetings #92

Interlocutory Proceedings #93

Documents #94

NSRT Request for Information #95

Practice Directions (RPP 1.13) #96

The NSRT may issue “*Practice Directions*” for the purpose of addressing procedural issues either with respect to NSRT proceedings generally, or pertaining to individual proceedings which occur within a case specific context. *Practice Directions* are to be read in conjunction with the NSRT *Rules of Process and Procedure* (RPP 1.13) #97

In the event of a conflict or inconsistency between *Practice Directions* and the NSRT RPP, *Practice Directions* shall prevail to the extent of the conflict or inconsistency as an exception to the *Rules of Process and Procedure* (RPP 1.13.2) #98

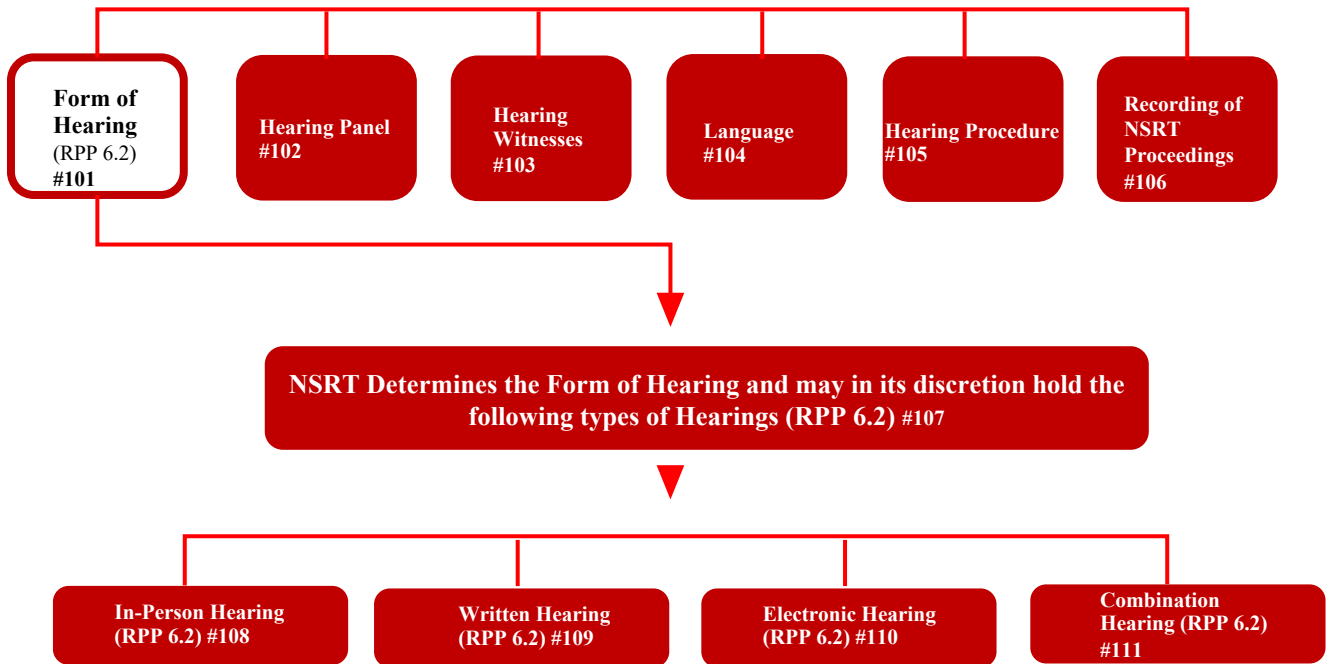
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APPLICATION FOR NSRT ENTRY ORDER (RPP 2.1) #99

HEARING PROCEDURE #100



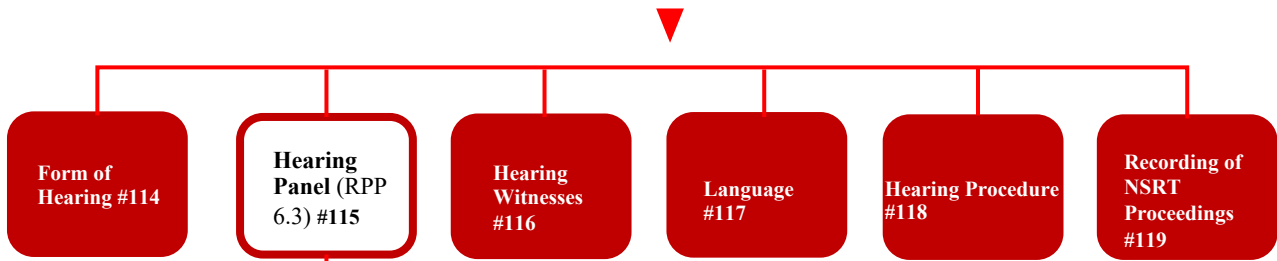
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APPLICATION FOR NSRT ENTRY ORDER (RPP 2.1) #112

HEARING PROCEDURE #113



“Members shall be assigned to panels in accordance with the bylaws of the Tribunal or, in the absence of by-laws respecting the assignment of members to panels, by the Chairperson.” (NSRTA s. 125 (1))

Members of the NSRT are appointed to a Panel of the NSRT by the Chairperson of the NSRT. (NSRT By-law 7.1.6) #120

“An application to the Tribunal shall be heard by a panel consisting of three members or, if the parties consent, by one member.” (NSRTA s. 124 (1)) (RPP 6.3.2) #121

“... if one of the members of a panel is absent, the hearing may continue with only one of the members if the parties consent, but if the parties do not consent, the application shall be reheard by another panel or member.” (NSRTA s. 124 (1)) #122

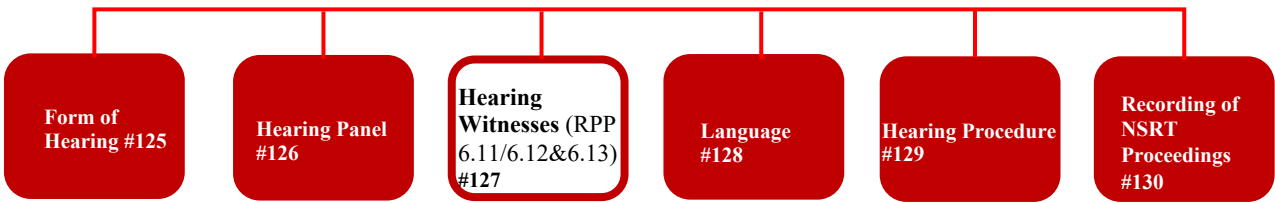
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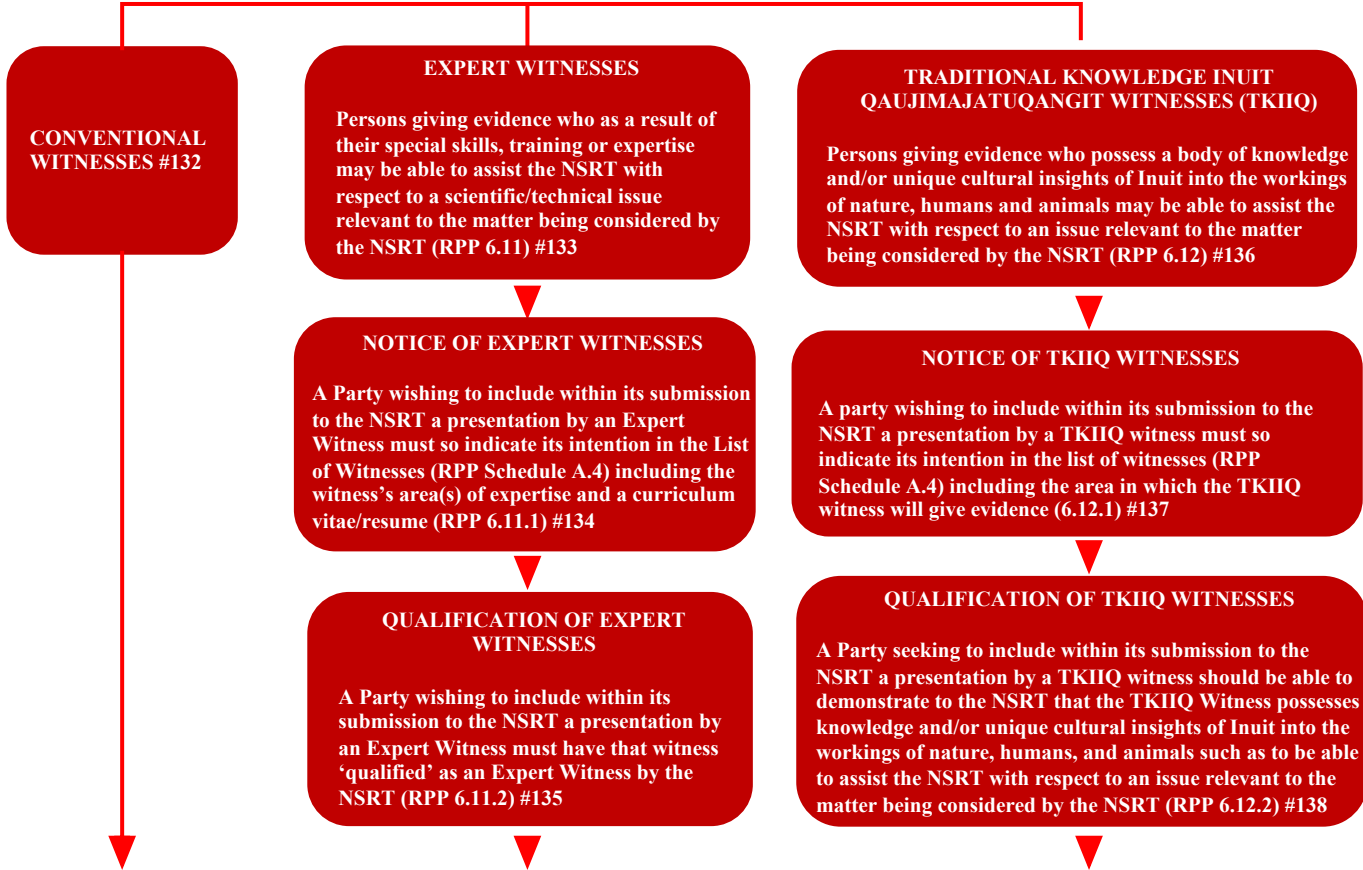
***Bylaw = Surface Rights Tribunal Bylaws

APPLICATION FOR NSRT ENTRY ORDER (RPP 2.1) #123

HEARING PROCEDURE #124



Types of Witnesses #131



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APPLICATION FOR NSRT ENTRY ORDER (RPP 2.1)



QUESTIONING OF CONVENTIONAL WITNESSES

- Conventional Witnesses may be questioned by the NSRT and the other Parties (RPP 6.13.3.2)
- Questioning of Conventional Witnesses should be conducted for the purpose of clarifying and testing the evidence provided by Conventional Witnesses, and for eliciting relevant material and information not brought out during the initial giving of evidence (RPP 6.13.3.1)
- Questioning of Conventional Witnesses must be with respect to matters which are relevant to the matter before the NSRT (RPP 6.13.3.3(a))
- Questioning of Conventional Witnesses shall not be conducted in a manner which is abusive, offensive or discourteous (RPP 6.13.3.3(b))

#139

QUESTIONING OF EXPERT WITNESSES

- Expert Witnesses may be questioned by the NSRT and the other Parties (RPP 6.13.3.2)
- Questioning of Expert Witnesses should be conducted for the purpose of clarifying and testing the evidence provided by Expert Witnesses, and for eliciting relevant material and information not brought out during the initial giving of evidence (RPP 6.13.3.1)
- Questioning of Expert Witnesses must be with respect to matters which are relevant to the matter before the NSRT (RPP 6.13.3.3(a))
- Questioning of Expert Witnesses shall not be conducted in a manner which is abusive, offensive or discourteous (RPP 6.13.3.3(b))

#140

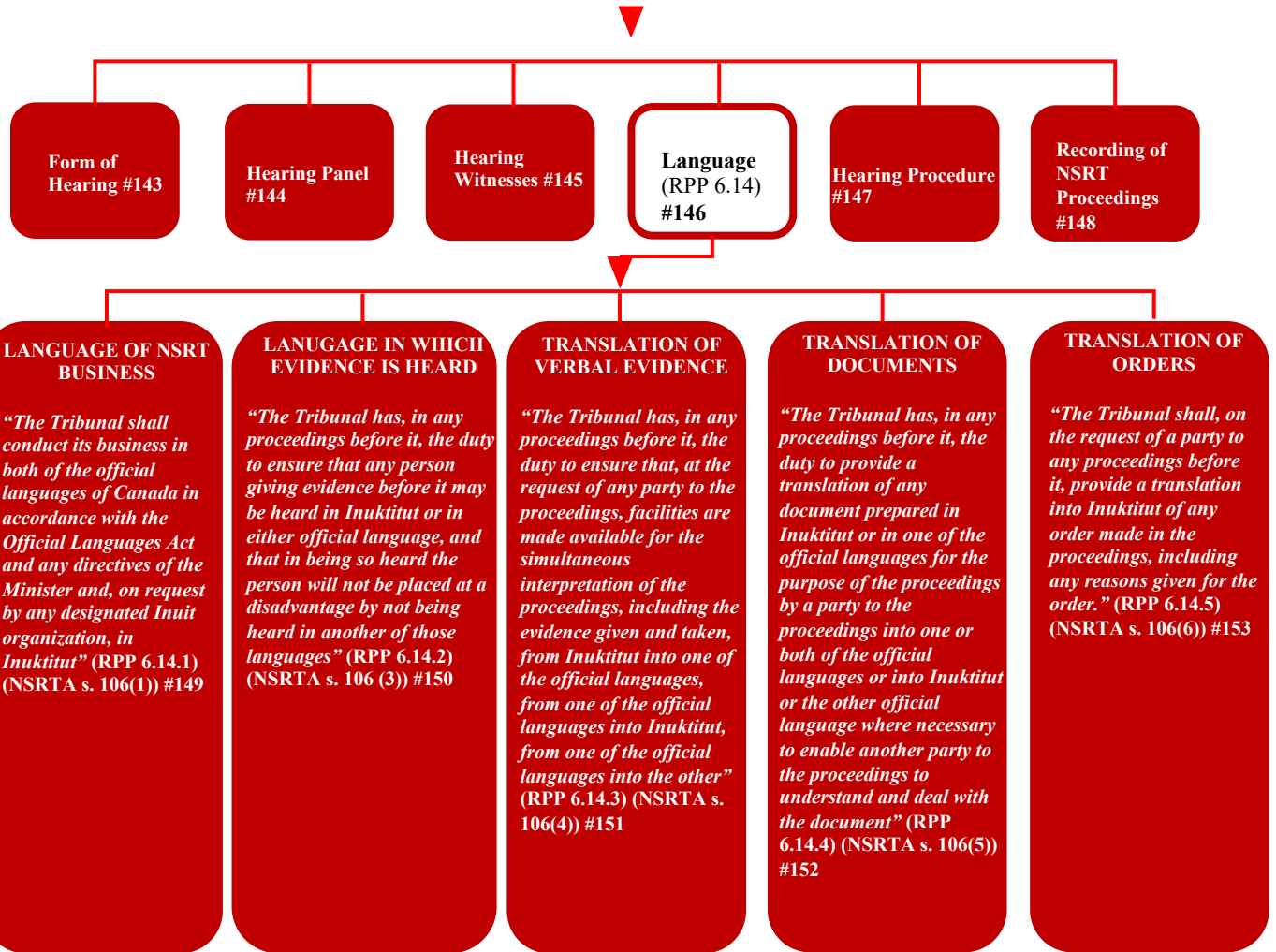
QUESTIONING OF TK/IQ WITNESSES

TK IQ witnesses may only be questioned by the NSRT Panel (RPP 6.13.3.2) #141

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APPLICATION FOR NSRT ENTRY ORDER (RPP 2.1) #141

HEARING PROCEDURE #142



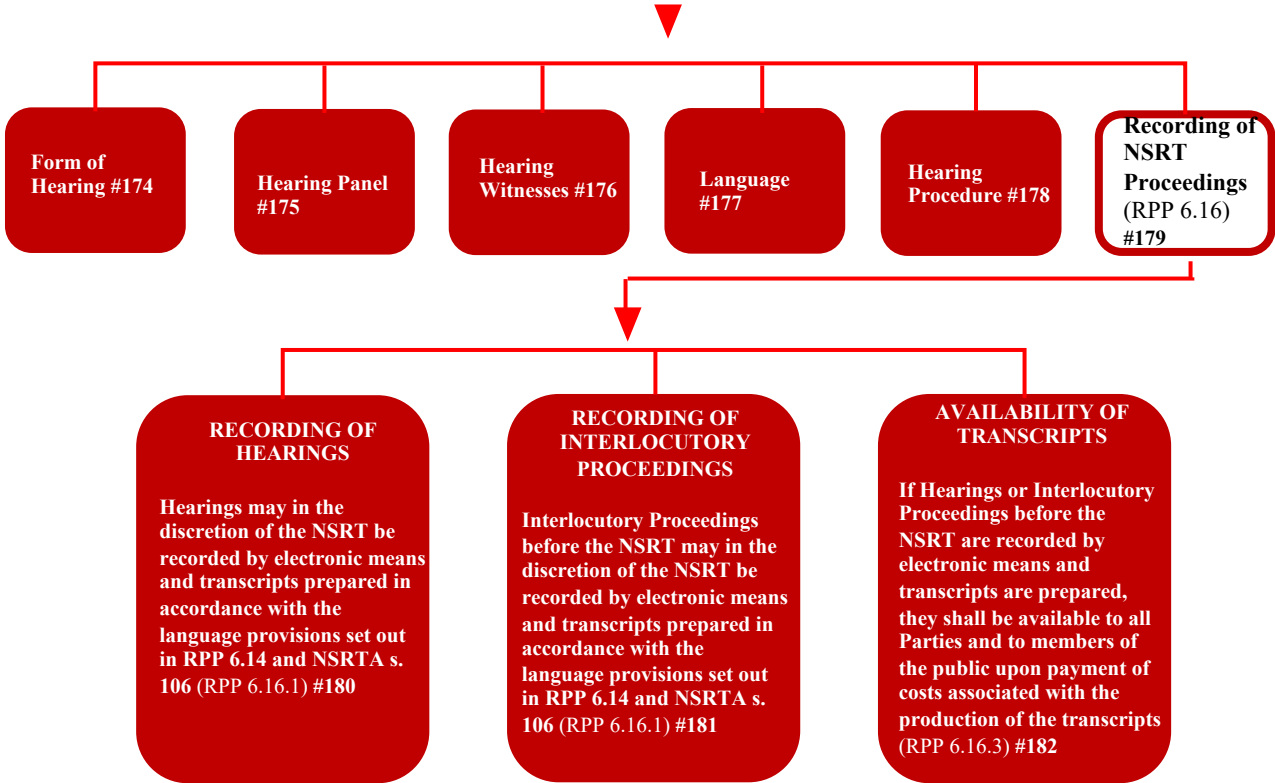
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APPLICATION FOR NSRT ENTRY ORDER (RPP 2.1) #172

HEARING PROCEDURE #173



RECORDING OF HEARINGS

Hearings may in the discretion of the NSRT be recorded by electronic means and transcripts prepared in accordance with the language provisions set out in RPP 6.14 and NSRTA s. 106 (RPP 6.16.1) #180

RECORDING OF INTERLOCUTORY PROCEEDINGS

Interlocutory Proceedings before the NSRT may in the discretion of the NSRT be recorded by electronic means and transcripts prepared in accordance with the language provisions set out in RPP 6.14 and NSRTA s. 106 (RPP 6.16.1) #181

AVAILABILITY OF TRANSCRIPTS

If Hearings or Interlocutory Proceedings before the NSRT are recorded by electronic means and transcripts are prepared, they shall be available to all Parties and to members of the public upon payment of costs associated with the production of the transcripts (RPP 6.16.3) #182

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