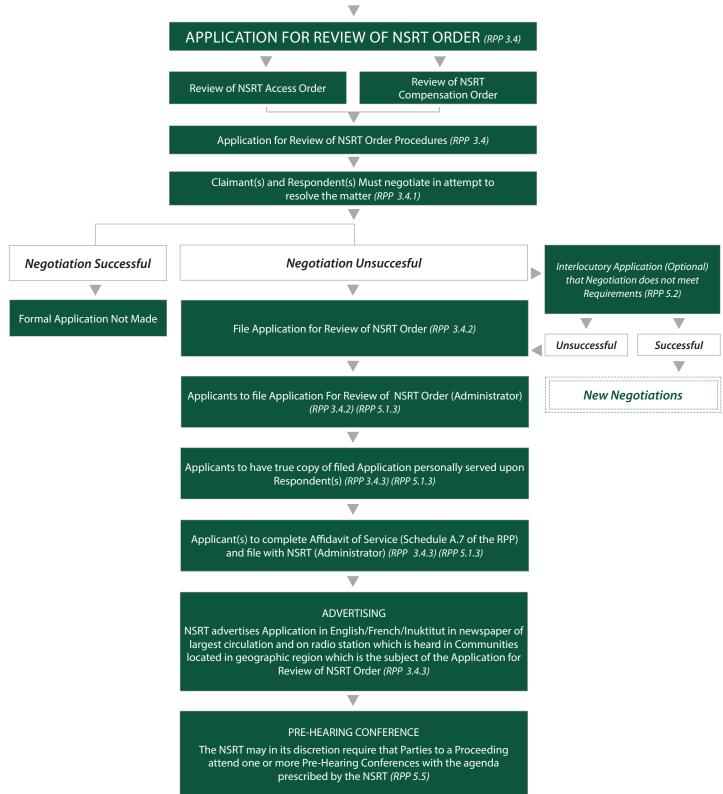


NSRT JURISDICTION (RPP 2.0)



* Rules of Process and Procedure (RPP)



Pre-Hearing Procedure (RPP 5.0)

Submission of Documents

APPLICATION DOCUMENTS

All documents which Applicant(s) wish to present in an Application to Review of NSRT Order must be filed with the NSRT 60 days in advance of a Hearing (or as otherwise directed by the NSRT) (RPP 5.3.1.1)

RESPONDENT DOCUMENTS

All documents which Respondent(s) wish to present in response to an Application must be filed with the NSRT 30 days in advance of the Hearing (or as otherwise directed by NSRT) (RPP 5.3.1.2)

INTERVENOR DOCUMENTS

All documents which Intervenor(s) wish to present with respect to an Application must be filed with the NSRT 15 days in advance of the Hearing (or as otherwise directed by NSRT)

(RPP 5.3.1.3)

Applicant(s) to have true copies of all documents filed with the NSRT personally served on all other Parties not later than 60 days prior to commencement of Hearing (or as otherwise directed by NSRT).

(RPP 5.3.1.1)

Respondent(s) to have true copies of all documents filed with the NSRT personally served on all other Parties not later than 30 days prior to commencement of Hearing (or as otherwise directed by NSRT)

(RPP 5.3.1.2)

Intervenor(s) to have true copies of all documents filed with the NSRT personally served on all other Parties not later than 15 days prior to commencement of Hearing (or as otherwise directed by NSRT)

(RPP 5.3.1.3)

Applicant(s) to complete Affidavit of Service (form in Schedule A.7 of the RPP) and file with the NSRT (Administrator) (RPP 5.3.1.1) Respondent(s) to complete Affidavit of Service (form in Schedule A.7 of the RPP) and file with the NSRT (Administrator) (RPP 5.3.1.2) Intervenor(s) to complete Affidavit of Service (form in Schedule A.7 of the RPP) and file with the NSRT(Administrator) (RPP 5.3.1.3)

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Hearing Procedure (RPP 6.0)





Hearing Procedure (RPP 6.0) Time and Recording Hearing Form of Parties to Hearing Location Hearing Panel Witnesses Language Documents of NSRT Submissions Hearing Hearing of Hearing (RPP 6.3) (RPP 6.11/6.12 (RPP 6.14) (RPP 6.15) Proceedings (RPP 6.2/6.3) (RPP 6.7) (RPP 6.8/6.9 & 6.10) (RPP 6.16) & 6.13) (RPP 6.2/6.5) NSRT determines Time and Location of Hearing (RPP 6.2) Unless all Parties otherwise agree an Unless all Parties otherwise agree an Application for Review of an NSRT Application for Review of an NSRT Order is to be heard in the Order relating to access is to be heard community that is convenient in the community closest to the to the Claimant (RPP 6.5) land involved (RPP 6.5)

Continues to NSRT Hearing Panel



by NSRT Chair (RPP 6.3.4.2)

APPLICATION FOR REVIEW OF NSRT ORDER (RPP 3.4)

Hearing Procedure (RPP 6.0)

Time and Hearing Recording Hearing Form of Parties to Hearing Location of Witnesses Documents of NSRT Language Hearing Panel Hearing Submissions Proceedings Hearing (RPP 6.11/6.12 (RPP 6.14) (RPP 6.15) (RPP 6.7) (RPP 6.2/6.3) (RPP 6.3) (RPP 6.8/6.9 & 6.10) (RPP 6.2/6.5) (RPP 6.16) & 6.13) NSRT Chair Appoints Panel Members (RPP 6.3.1) If NSRT Proceeding involves If NSRT Proceeding does not NSRT Member shall not be Inuit-Owned-Land at least 2 assigned to Panel or continue NSRT Panel Appointments to involve Inuit-Owned-Land Members of 3 Member Panel or 3 Members or 1 Member by on Panel if appointment would remain confidential until date of Sole member of 1 Member Panel consent of all Parties place Member in a Conflict of Hearing (RPP 6.3.6) must be resident in Nunavut (RPP 6.3.2) Interest (RPP 6.3.5.1) (RPP 6.3.3) W If all Parties consent the NSRT ABSENT PANEL MEMBER If all Parties do not consent the NSRT Proceeding may continue with one Proceeding shall be reheard by another In the event that for any reason an NSRT Panel Member is of the Pamel Members who has been Panel appointed by the NSRT Chair absent from part or all of a NSRT Proceeding that Member present at all of the Hearing as chosen (RPP 6.3.4.2)

may not participate in the Decision/Order (RPP 6.3.4.1)



Hearing Procedure (RPP 6.0)

Time and Recording Hearing Parties to Hearing Form of Hearing Panel Location of of NSRT Witnesses Language Documents Hearing Hearing Submissions Hearing (RPP 6.3) (RPP 6.11/6.12 (RPP 6.14) (RPP 6.15) Proceedings (RPP 6.2/6.3) (RPP 6.7) (RPP 6.8/6.9 & 6.10) (RPP 6.2/6.5) & 6.13) (RPP 6.16) Parties may be represented in all matters before the NSRT by any person selected by the Party to represent them. (RPP 6.7.3) (RPP 6.3.2) A Representative of a Party who is not a member of the Law Society of Nunavut must provide written confirmation signed by the Party confirming the representation. (RPP 6.7.3) Applicants / Respondents / Intervenors to a Review of an NSRT Order (RPP 6.7.1.4) Persons (or successors) who previously have been a Party to a Hearing for an Application for Access or a Claim for Compensation who wish to make an Application to the NSRT to review the NSRT Order for Access or Order for Compensation and Respondents / Intervenors with respect to that Application. (RPP 6.7.1.4) Intervenors to an Application to Review NSRT Order (RPP 6.7.1.3) Intervenors are "Persons Who Are Directly Affected" by an Application to Review NSRT Order (RPP 6.7.1.1) Parties to Hearing (RPP 6.7.1) Intervenors participate by advising

In the event that any Party is absent from a Hearing

(RPP 6.6)

the NSRT may not proceed with the Hearing unless one of two criteria are met: V

ABSENT PARTY

The Absent Party has been given The Absent Party Consents notice of the Hearing which is satisfactory to the NSRT (RPP 6.6)

NSRT of request for Intervenor Status in manner prescribed by the NSRT in its discretion (RPP 6.7.1.3)

* Rules of Process and Procedure (RPP)



Hearing Procedure (RPP 6.0)

Form of Hearing (RPP 6.2/6.3) Time and Location of Hearing (RPP 6.2/6.5)

Hearing Panel (RPP 6.3)

Parties to Hearing (RPP 6.7) Hearing Submissions (RPP 6.8/6.9 & 6.10) Hearing Witnesses (RPP 6.11/6.12 & 6.13)

Language (RPP 6.14) Documents (RPP 6.15)

Recording of NSRT Proceedings (RPP 6.16)

STANDING TO MAKE SUBMISSIONS

In order to be able to make a Submission to the NSRT at an Application for Access (RPP 6.7) to a matter being considered by the NSRT have the "Standing" to make submissions to the NSRT (RPP 6.7.2)

FORM OF SUBMISSIONS

Subject to RPP 6.2 Submissions at a Hearing may in the discretion of the NSRT be Verbal/In Writing/ or both Verbal and in Writing (RPP 6.8) Every Person making a Submission must respond to Questioning with respect to the Submission as directed in the discretion of the NSRT (RPP 6.8)

ORDER OF SUBMISSIONS

NSRT to advise Parties with Respect to Order of Submissions and Questioning at Hearings (RPP 6.9)

Rules for Hearing Submissions

V

IDENTITY OF WITNESSES

The NSRT may in its discretion set out the Process for Parties to identify those persons who the parties wish to give evidence, including submitting a list of witness as set out in Schedule A.4 RPP (RPP 6.10.1)

RELEVENCE OF SUBMISSIONS

Submissions must be relevant to the matter under consideration by the NSRT panel. Irrelevant information will not be considered by the NSRT panel in reaching its decision (RPP 6.10.2)

AUDIO-VISUAL ASSISTANCE

With NSRT approval evidence may be presented with audio-visual assistance any party requiring audio/visual assistance to contact NSRT no later than 30 days prior to date required (RPP 6.10.3)

Written Submission (RPP 6.10.4)

AUTHORSHIP

Name of Author(s) and all other persons involved in research/preparation of Written Submissions must be identifed at the beginning of submissions and signature of primary author(s) at end of submission (RPP 6.10.4.1)

AVAILABILITY OF A PRIMARY AUTHOR

Subject to direction of NSRT Written Submissions must be available at Hearing for questioning by NSRT and other Parties (RPP 6.10.4.2)

SCHEDULE

Subject to direction of NSRT written submissions must be submitted to NSRT in accordance with timelines established by NSRT (RPP 6.10.4.3)



Hearing Procedure (RPP 6.0)

Form of Hearing (RPP 6.2/6.3) Time and Location of Hearing (RPP 6.2/6.5)

Hearing Panel (RPP 6.3)

Parties to Hearing (RPP 6.7) Hearing Submissions (RPP 6.8/6.9 & 6.10)

Hearing Witnesses (RPP 6.11/6.12 & 6.13)

Language (RPP 6.14)

Documents (RPP 6.15)

Recording of NSRT Proceedings (RPP 6.16)

ATTENDANCE AND EXAMINATION OF WITNESSES

The Act (s. 120) grants to the NSRT the powers and rights and privileges of a Superior Court with respect to the attendance and examination of witnesses (RPP 6.13.1)

TYPES OF WITNESSES

SWORN EVIDENCE (RPP 6.13.2)

SWORN EVIDENCE (RPP 6.13.2)

All Witnesses appearing before the NSRT to give evidence with respect to a matter before the NSRT shall be either Sworn or Affirmed and all evidence provided by such witnesses shall be under Oath (RPP 6.13.2)

CONVENTIONAL WITNESSES

EXPERT WITNESSES (RPP 6.11)

Persons giving evidence who as a result of their special skills, training or expertise may be able to assist the NSRT with respect to a scientific/technical issue relevant to the matter being considered by the NSRT

TRADITIONAL KNOWLEDGE INUIT QAUJIMAJATUQANGIT WITNESSES (TKIIQ) (RPP 6.12)

Persons giving evidence who possess a body of knowledge and/ or unique cultural insights of Inuit into the workings of nature, humans and animals may be able to assist the NSRT with respect to an issue relevant to the matter being considered by the NSRT

QUALIFICATION OF EXPERT WITNESSES (RPP 6.11.2)

A party seeking to include within its submission a presentation by an Expert Witness must have that witness "qualified" by the NSRT as follows:

- provide to NSRT a precise description of the area in which qualification is sought
- Expert Witness must present qualifications verbally or in writing or both
- Expert Witness may be questioned on qualifications only by NSRT and any party
- NSRT shall make a determination as to whether the witness is qualified to give evidence as an Expert Witness and description of area in which qualification is granted

NOTICE OF EXPERT WITNESSES (RPP 6.11.1)

A party wishing to include within its submission a presentation by an expert witness must so indicate its intention in the list of witnesses (RPP Schedule A.4) including the witnesses' area(s) of expertise and a curriculum vitae/resume

NOTICE OF TK/IQ WITNESSES (RPP 6.12.1)

A party wishing to include within its submission a presentation by a TK/IQ witness must so indicate its intention in the list of witnesses (RPP schedule A.4) including the area in which the TK/IQ witness will give evidence

QUESTIONING OF WITNESSES (RPP 6.13.3)

PURPOSE OF QUESTIONING

W

Questioning should be conducted for the purpose of clarifying and testing the submissions made by any Party and for eliciting material and relevant information not brought out during these submissions (RPP 6.13.1)

WHO MAY BE QUESTIONED

Any witness except a TK/IQ Witness may be questioned by the NSRT Panel and the Parties. TK/IQ Witnesses may only be questioned by a NSRT Panel (RPP 6.13.2)

LIMITS ON OUESTIONING

The following limits on questioning shall apply to NSRT hearings:

- **A:** Questioning of witnesses shall not be conducted with respect to matters which are not relevant to the matter before the NSRT. (RPP 16.13.3)
- **B:** Questioning of witnesses shall not be conducted in a manner which is abusive, offensive or discourteous.

 (RPP 16.13.3)
- **C:** Questioning of TK/IQ witnesses may only be carried out by the NSRT. (RPP 16.13.3)
- **D:** Following Questioning of any Witness Re-Direct Questioning of that Witness may be conducted by the Party initially presenting theWitness, but only with respect to matters raised during the Questioning.

 (RPP 16.13.3)

^{*} Rules of Process and Procedure (RPP)



Hearing Procedure (RPP 6.0)

Form of Hearing (RPP 6.2/6.3) Time and Location of Hearing (RPP 6.2/6.5)

Hearing Panel (RPP 6.3)

Parties to Hearing (RPP 6.7) Hearing Submissions (RPP 6.8/6.9 & 6.10) Hearing Witnesses (RPP 6.11/6.12

Language (RPP 6.14)

Documents (RPP 6.15)

Recording of NSRT Proceedings (RPP 6.16)

LANGUAGE OF NSRT BUSINESS

NSRT must conduct its business in English and French languages and upon request by any designated Inuit organization in Inuktitut (RPP 6.14.1) LANGUAGE IN WHICH EVIDENCE IS HEARD

NSRT must ensure that persons may give evidence in Inuktitut, French and English, and that person will not be placed at a disadvantage in not being heard in the other 2 languages (RPP 6.14.2)

TRANSLATION OF VERBAL EVIDENCE

NSRT must provide simultaneous translation of documents from Inuktitut, French and English into the other 2 languages (RPP 6.14.3) TRANSLATION OF DOCUMENTS

NSRT must provide simultaneous translation of documents from Inuktitut, French and English into the other 2 languages (RPP 6.14.4) TRANSLATION OF ORDERS
Upon request by any party
the NSRT must translate its

the NSRT must translate its orders into Inuktitut _____ (RPP 6.14.5)



Hearing Procedure (RPP 6.0)

Time and Hearing Recording Hearing Form of Parties to Hearing Panel Location of of NSRT Witnesses Language Documents Hearing Hearing Submissions Proceedings Hearing (RPP 6.3) (RPP 6.11/6.12 (RPP 6.14) (RPP 6.15) (RPP 6.2/6.3) (RPP 6.7) (RPP 6.8/6.9 & 6.10) (RPP 6.2/6.5) (RPP 6.16) & 6.13)

> COMPELLING PRODUCTION AND INSPECTION

The NSRT has the powers, rights and privileges of a superior court with respect to the production and inspection of documents (RPP 6.15.1)

PUBLIC RECORD/ACCESS

V

NSRT responsible to maintain care and custody of all documents submitted to it, with such documents being a matter of public record (RPP 6.15.2)

AVAILABILITY TO PARTIES

All information which the NSRT intends to use in the disposition of any matter being considered by the NSRT shall be made available to all parties, who will be provided with a reasonable opportunity to respond to the information (RPP 6.15.3)



Hearing Procedure (RPP 6.0)

Form of Hearing (RPP 6.2/6.3) Time and Location of Hearing (RPP 6.2/6.5)

Hearing Panel (RPP 6.3) Parties to Hearing (RPP 6.7) Hearing Submissions (RPP 6.8/6.9 & 6.10) Hearing Witnesses (RPP 6.11/6.12 &6.13)

Language (RPP 6.14) Documents (RPP 6.15)

Recording of NSRT Proceedings (RPP 6.16)

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 in RPP 6.14 (RPP 6.16.1)

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 in RPP 6.13 (RPP 6.13.2) AVAILABILITY OF TRANSCRIPTS

V

Transcripts of NSRT proceedings shall be available to all Parties and to members of the public upon payment of costs associated with the production of the transcript (RPP 6.16.3)



Interlocutory Proceedings Procedure (RPP 5.2)

FILING APPLICATION

File with NSRT (Administrator) Completed Interlocutory Application as found in schedule A.3 of RPP. (RPP 5.2.1)

SERVING APPLICATION

Applicant must personally serve upon the person(s) to whom the Interlocutory Application is being made a true copy of the Interlocutory Application filed with the NSRT. (RPP 5.2.1)

Upon receiving Interlocutory Application NSRT may in its discretion do the following: (RPP 5.2.2)

Hear the matter by way of Interlocutory Hearing (RPP 5.2.2)

NSRT provides notice of the Interlocutory Hearing to all Parties to the Proceeding (RPP 5.2.3)

Deal with the matter by any other means deemed appropriate by the NSRT (RPP 5.2.2)

> No Interlocutory Hearing

FORM OF INTERLOCUTORY HEARING

NSRT determines form of Interlocutory Hearing, and may in its discretion hold the following types of Interlocutory Hearings: (RPP 5.2.4)

In-Person Hearing (RPP 5.2.4)

Electronic Hearing (RPP 5.2.4)

Written Hearing (RPP 5.2.4)

Combination Hearing (RPP 5.2.4)

NSRT may in its discretion set out the time and location of Interlocutory Hearing (RPP 5.2.4)

NSRT may in its discretion set out the process to be followed and may or may not adopt any or all of the Rules which apply to a Hearing set out in Rule 6.0 RPP. (RPP 5.2.4)

An Interlocutory Application for which a decision is made to hold an Interlocutory Hearing shall be heard by 1 Member of the NSRT appointed by the Chairperson. (RPP 5.2.5) (Member appointed to hear Interlocutory matter can not be appointed to the Hearing).

NSRT Member hearing Interlocutory Application must deliver Interlocutory Decision/Order in Writing. Decision must include reasons. (RPP 5.2.6)

NSRT Interlocutory Decision/Order to be provided by the NSRT to every Party participating in the Interlocutory Application and upon request to members of the Public (RPP 5.2.7)

* Rules of Process and Procedure (RPP)