

## SECTION 30

### Economic Security Program for Cree Hunters

(Section 30 of the JBNQA, as amended by Complementary Agreement no. 15, was replaced in its entirety by section 1 of Complementary Agreement no. 27.)

#### 30.1 Definitions

“Beneficiary unit” “*Unité de prestataires*” shall mean: A family or an unattached individual eighteen (18) years of age or over.

“Community improvement program” “*Programme de perfectionnement communautaire*” shall mean: A project authorized by the local government designed to improve the living conditions in the Cree community and funded by government programs or community funds.

“Consorts” “*Conjoints*” shall mean: Two persons of the opposite sex or of the same sex who, taking into account Cree custom, are married or live together in a *de facto* union.

“Dependent child” “*Enfant à charge*” shall mean: An unmarried child, whatever his or her filiation and taking into account established Cree custom, who depends for his or her support upon the head of family for the greater part of the year or while in the bush and who:

- a is less than eighteen (18) years of age;
- b is eighteen (18) years of age or older and is attending on a full time basis secondary school in the regular stream; or
- c is eighteen (18) years of age or older, is handicapped and is not receiving financial support or assistance in respect of his or her handicap.

“Disaster” “*Désastre*” shall mean: An event such as a flood or a forest fire, whatever the cause, resulting in one or more beneficiary units being required to reduce their harvesting and related activities on a scale determined to be significant by the Board.

“Enrolled” “*Inscrit au programme*” shall mean: Having one’s name on the definitive list referred to at sub-paragraph 30.5.10 d).

“Family” “*Famille*” shall mean: Taking into account established Cree custom, consorts with or without a dependent child or an adult with one (1) or more dependent children.

“Far Harvesting Region” “*Région d’exploitation éloignée*” shall mean: a region recognized as such specifically for the purpose of the program by Québec and the Cree Nation Government and which is depicted on a map forming part of Schedule I to this Section or on a modified map referred to at paragraph 30.4.12.

“Harvesting and related activities” “*Activités d’exploitation ou activités accessoires*” shall mean:

- a in the case of harvesting activities, all activities involved in the exercise of the right to harvest as provided in Section 24 excluding commercial fishing;
- b in the case of related activities:

- i) activities associated with harvesting activities, traditionally carried out by women, or
- ii) activities commonly practiced by those who also practice harvesting activities, including, *inter alia*:
  - 1) making or repairing equipment used in hunting, fishing and trapping activity;
  - 2) preparation of food supplies, clothing, habitations, materials, equipment and land improvements necessary for harvesting activities;
  - 3) picking and processing wild berries;
  - 4) processing, transportation and marketing of the products of harvesting activities;
  - 5) making of handicrafts from products of harvesting within the household;
  - 6) remedial works, protection and enhancement of wildlife;
  - 7) surveys or management of wildlife to assist harvesting activity;
  - 8) transportation to and from bush camps and harvesting sites;
  - 9) the work carried out as a member of a Local Economic Security Program Committee, not exceeding ten (10) days per year;
  - 10) time spent in a mandatory course for firearm use not exceeding three (3) days per year;
  - 11) organized traditional way of life activities, as defined by the Board.

“Head of beneficiary unit” *“Chef de l’unité de prestataires”* shall mean: A head of family or an unattached individual.

“Head of family” *“Chef de famille”* shall mean: The member of the family who is a Cree beneficiary and who habitually participates the most actively in harvesting and related activities.

“Local Economic Security Program Committee” *“Comité local du programme de sécurité économique”* shall mean: A local committee contemplated by paragraph 30.5.16.

“Sickness” *“Maladie”* shall mean: A state resulting from illness or injury that prevents the conducting of harvesting or related activities.

“Time conducting harvesting and related activities” *“Temps consacré aux activités d’exploitation ou activités accessoires”* shall mean: A number of days calculated as the total of:

- a) the number of days spent away from permanently occupied settlements conducting harvesting and related activities computed so as to include the number of days from each date of departure from such settlement to each date of return to such settlement inclusive, and including single days a major portion of the daylight part of which was spent away from permanently occupied settlements conducting harvesting and related activities; and
- b) the number of days spent in such settlement and actually spent in the conduct of harvesting and related activities.

“Time spent in salary or wage employment” “*Temps consacré à un emploi salarié ou rémunéré*” shall mean: The number of days spent in work that is not a harvesting or related activity and for which the individual received salary or wage.

“Transfer payment programs” “*Programmes de paiement de transfert*” shall mean: Family and youth allowances, government old age security pensions, veterans’ pensions and allowances, individual and/or family assistance programs, mother’s allowances, manpower training allowances, payments to the blind or disabled, guaranteed income supplement for the aged, and other such programs as may exist from time to time, whether established or funded by Québec or Canada.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

## 30.2 General Provisions

**30.2.1** An income security program (herein referred to as “the program”) to provide a guarantee and benefits and other incentives for Cree people who wish to pursue harvesting activities as a way of life is established by and in accordance with this Section.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.2.2** The funding of the program established by and in accordance with this Section shall be the responsibility of Québec which shall ensure at all times that the necessary funds are provided to give full effect to the program.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.2.3** Subject to and in accordance with the provisions of Sub-Section 30.8, the program shall be at least as generous as any individual and/or family assistance program of general application, including any guaranteed annual income program, that may be established or exist from time to time in Québec whether such program is established or funded by Québec or Canada. This program must also offer advantages at least as generous as those granted under any maternity benefit program of general application in Québec.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.2.4** Notwithstanding anything in this Section, every Cree person shall have the right to benefit, if eligible under such programs, from any transfer payment, workmen’s compensation, employment insurance programs, Québec and Canada Pension Plans and other social insurance programs existing from time to time in Québec, whether established and funded by Québec or Canada.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.2.5** A person benefiting from the program shall not be entitled to combine the benefits from the program with benefits from individual and/or family assistance programs or guaranteed annual income

programs of general application existing from time to time in Québec, provided that such person, if eligible, may elect from time to time to benefit from such programs in place of the program.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.2.6** The payments made pursuant to Sub-Section 30.4 shall be offset against benefits payable for the same period under any individual and/or family assistance program, guaranteed income supplement for the aged or guaranteed annual income programs of general application existing from time to time in Québec.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.2.7** Payments under the program shall be made to beneficiary units and established on the basis of such beneficiary units in the manner provided in this Section.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.2.8** The program shall ensure that hunting, fishing and trapping shall constitute a viable way of life for the Cree people, and that individual Crees who elect to pursue such way of life shall be guaranteed a measure of economic security consistent with conditions prevailing from time to time.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.2.9** The program shall ensure that as an alternative to transfer payments or guaranteed annual income programs existing from time to time there exists through the program effective incentive to pursue harvesting as a way of life for the Cree people.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.2.10** The establishment whether by Québec or Canada of guaranteed annual income programs of general application shall not prejudice the rights and guarantees under the program in favour of the Crees established by and in accordance with this Section. However, beneficiaries under the program shall not be entitled to benefit from more than one (1) such program at the same time, at their option.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

### **30.3 The Right to Benefit and Eligibility**

#### **I. Eligibility**

**30.3.1** Every Cree person eligible pursuant to Section 3 of the Agreement and ordinarily resident in Québec shall have the right to benefit under the program provided such person is eligible in accordance with the terms and conditions set forth in this Section.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.3.2** Eligibility to benefits under the program for a beneficiary unit who is submitting a first application for eligibility to the program requires that the head of the beneficiary unit has declared in writing his or her intention to pursue harvesting activities as a way of life for the coming year.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.3.3** Eligibility to benefits under the program for a beneficiary unit who is submitting a request for reenrolment to the program after an absence from the program of at least one (1) full program-year requires that the head of the beneficiary unit has declared in writing his or her intention to pursue harvesting activities as a way of life for the coming year.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.3.4** Except in the cases provided for at paragraphs 30.3.2 and 30.3.3, eligibility to benefits under the program shall be determined in the manner provided in this paragraph. The following beneficiary units shall be eligible:

- a) any beneficiary unit the head of which in the preceding year spent more time conducting harvesting and related activities than time spent in salary or wage employment, excluding, both in the case of harvesting and related activities and salary and wage employment, time spent in guiding, outfitting or commercial fishing or in receipt of employment insurance, workmen's compensation, or manpower training allowances, provided that the head of such beneficiary unit spent at least one hundred and twenty (120) days conducting harvesting and related activities of which at least ninety (90) days were spent away from the settlement conducting such activities;
- b) any beneficiary unit which in the preceding year derived the greater part of its earnings, excluding earnings from guiding, outfitting or commercial fishing, from harvesting and related activities;
- c) any beneficiary unit which in the preceding year was eligible under sub-paragraph a) or b) and a member of which in the preceding year suffered from sickness or was the victim of an accident during the exercise of harvesting and related activities which, in either case, resulted in such beneficiary unit not being eligible under sub-paragraph a) or b);
- d) any beneficiary unit which in the preceding year was eligible under sub-paragraph a) or b) and a member of which in the preceding year was the victim of an accident during seasonal employment as a result of which he or she became eligible for workmen's compensation and which also resulted in such beneficiary unit not being eligible under sub-paragraph a) or b);
- e) any beneficiary unit which in the preceding year was eligible under sub-paragraph a) or b) and the head of which in the preceding year was forced to abandon or diminish his or her harvesting and related activities as a result of government action, development activities, or in order to allow animal populations to increase to a harvestable level, which resulted in such beneficiary unit not being eligible under sub-paragraph a) or b);
- f) any beneficiary unit which in the preceding year was eligible under sub-paragraph a) or b) and which in the current year is not eligible under sub-paragraph a) or b) as a result of the head of such

beneficiary unit having been engaged in a manpower, upgrading, training or other self-improvement program in the preceding year;

g) any beneficiary unit which in the preceding year was eligible under sub-paragraph a) or b) and which in the current year is not eligible under sub-paragraph a) or b) as a result of the head of such beneficiary unit having been engaged in temporary employment on a community improvement program or project during the preceding year;

h) any beneficiary unit which, in the preceding year, was eligible under sub-paragraph a) or b), and whose head during the preceding year was unable to participate in harvesting and related activities as a result of her pregnancy, its effects, or care of her infant, making the beneficiary unit ineligible under sub-paragraph a) or b);

i) any beneficiary unit which, in the preceding year, was eligible under sub-paragraph a) or b), and whose head during the preceding year had taken a leave of absence from harvesting and related activities as a result of his or her consort's pregnancy, the effects of that pregnancy or the care of the infant, making the beneficiary unit ineligible under sub-paragraph a) or b);

j) any beneficiary unit which in the preceding year was eligible under sub-paragraph a) or b) and which during the preceding year qualified under the terms of paragraph 30.3.10 to receive benefits by virtue of the semi-active status; and

k) any beneficiary unit which in the preceding year was eligible under sub-paragraph a) or b) and whose head during the preceding year was unable to participate in harvesting and related activities as a result of sickness or disaster making the beneficiary unit ineligible under sub-paragraph a) or b).

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.3.5** In the case of beneficiary units eligible under sub-paragraphs c), d), e), f), g), j) and k) of paragraph 30.3.4, such beneficiary units shall be considered eligible and shall have the right to receive the benefits provided under the program applicable to such beneficiary units in the current year and subsequent year subject to any restrictions provided in the program and, notwithstanding paragraph 30.2.5, the members of such beneficiary units shall have the right to receive any other transfer payments, workmen's compensation or employment insurance benefits or Québec or Canada Pension Plan benefits for which they may be eligible during such period.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.3.6** A beneficiary unit shall continue to be eligible to receive benefits under the program during the current year in spite of the death of the head of the beneficiary unit.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.3.7** The Board or a local committee may advise a person eligible under the program to leave the program for reasons of health or security or, if such person appears eligible, to apply to benefit from appropriate measures provided through the program.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.3.8** Harvesting or related activities may be replaced for the purpose of the eligibility of a beneficiary unit, by land development activities, to the extent and on the conditions determined by the Board after a specific activity has been the subject of a decision of the Minister, pursuant to a recommendation of the Board, to the effect that it be considered as a land development activity.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

## II. Semi-Active Status

**30.3.9** The head of a beneficiary unit who wishes to reduce his or her harvesting or related activities or who for medical reasons must reduce those activities may request that the beneficiary unit be designated as semi-active.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.3.10** A beneficiary unit may avail itself of semi-active status provided that the head of the beneficiary unit:

- a) has no medical impediment to continue to conduct harvesting and related activities for a period of at least twenty (20) days and at least 50% of any such period away from a settlement;
- b) has been enrolled in the program, as head of a beneficiary unit or as consort, for at least fifteen (15) years including the five (5) years immediately preceding the application respecting semi-active status;
- c) is of an age that if added to the number of years he or she has been enrolled in the program, the total is at least eighty (80); and
- d) continues to spend more time during the year conducting harvesting and related activities than time in salary or wage employment within the meaning of sub-paragraph 30.3.4 a).

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.3.11** When a beneficiary unit decides to maintain its eligibility under the program as a semi-active beneficiary unit, this decision is thereafter binding on both the head of the beneficiary unit and the consort except in the following cases:

- a) if the head of a beneficiary unit dies, the surviving consort who does not meet the requirements of sub-paragraph 30.3.10 c) may either:
  - i) choose to continue his or her enrollment in the program as head of a beneficiary unit benefiting from semi-active status for a maximum period of five (5) years provided that he or she remains in compliance with sub-paragraphs 30.3.10 a) and d), or

- ii) as of the year following the death, renounce the semi-active status and instead choose to enroll in the program as head of a beneficiary unit other than a semi-active one, without having to meet for that year the eligibility requirements applicable under paragraphs 30.3.4 to 30.3.8; however, he or she will have to meet such requirements for the subsequent years;
- b) if the consort of the head of a beneficiary unit dies, the head of the beneficiary unit may renounce the semi-active status and instead request for the subsequent year to be enrolled in the program as head of a beneficiary unit other than a semi-active one, without having to meet for that year the eligibility requirements applicable under paragraphs 30.3.4 to 30.3.8; however, he or she will have to meet such requirements for the subsequent years; and
- c) in the case of divorce or separation affecting a beneficiary unit, the consort who does not meet the requirements of sub-paragraph 30.3.10 c) may either:
  - i) choose to continue his or her enrollment in the program as head of a beneficiary unit benefiting from semi-active status for a maximum period of five (5) years provided that he or she remains in compliance with sub-paragraphs 30.3.10 a) and d), or
  - ii) as of the year following that of the separation or divorce, renounce the semi-active status and instead request to be enrolled in the program as head of a beneficiary unit other than a semi-active one, without having to meet for that year the eligibility requirements applicable under paragraphs 30.3.4 to 30.3.8; however, he or she will have to meet such requirements for the subsequent years.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

### **30.4 Calculation of Benefits**

#### **I. General**

**30.4.1** The benefits under the program shall be calculated annually as provided for in this Sub-Section taking into consideration:

- a) the extent of harvesting and related activities of such beneficiary unit;
- b) the harvesting region where the beneficiary unit conducted harvesting and related activities;
- c) the composition and size of the beneficiary unit eligible to benefit under the program;
- d) the amount of income during the twelve (12) month reference period established in a by-law taken by the Board; and
- e) the allowance paid for mentoring.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

#### **II. Economic Security**



**30.4.2** A beneficiary unit is entitled to the total of the amounts calculated in accordance with the present Sub-Section if the total outside income of the beneficiary unit does not exceed an amount equivalent to thirty-five thousand dollars (\$35,000.00) per adult and two thousand dollars (\$2,000.00) per dependent child. If the outside income exceeds the amount stipulated above, the total amount of benefits that would be payable to the beneficiary unit in accordance with the calculation under the present Sub-Section is reduced by an amount equivalent to the one of outside income in excess.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.4.3** For the purposes of this Sub-Section, the words “outside income” shall not refer to amounts received by the beneficiary unit as benefits or as replacement benefits under Sub-Section 30.4. “Outside income” refers to an amount equal to the sum of:

- a) the income of the beneficiary unit from the sale of furs in excess of nineteen thousand nine hundred and ninety-seven dollars (\$19,997.00) or such greater amount or amounts as may be determined by the Board;
- b) all net income from guiding, outfitting or commercial fishing and net income from harvesting and related activities, excluding income contemplated in sub-paragraph a); and
- c) all other net income or salary from any other sources received by the members of the beneficiary unit except the net income received by a dependent child supplementary to his or her studies and not exceeding five thousand seven hundred and forty-nine dollars (\$5,749.00), payments received by the beneficiary unit in respect of child care, family allowances, old age security pensions and guaranteed income supplements, payments under individual and/or family assistance programs, amounts received by a beneficiary unit as compensation as a result of hydroelectric, mining or forestry development and that does not constitute a salary or income replacement, and any other income, salary or subsidy established by the Board.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

### III. Daily Allowance

**30.4.4** With respect to payment of daily allowances:

- a) every beneficiary unit is entitled to receive a daily allowance in an amount of seventy-five dollars and fifty cents (\$75.50) per adult for every day spent by the adult in the bush in harvesting or related activities, for every day not exceeding three (3) days per year, during which the adult attended a mandatory course for firearms use and for every day during which the adult carried out land development activities referred to at paragraph 30.3.8, except:
  - i) days for which the head of the beneficiary unit receives a salary for such activities,
  - ii) days for which the head of the beneficiary unit receives employment insurance or manpower training allowances,

iii) days for which the head of the beneficiary unit receives benefits under a statute as compensation replacing income, or

iv) days for which the head of the beneficiary unit receives a salary for work other than harvesting or related activities; and

b) in cases where a consort receives benefits, allowances or a salary referred to in sub-paragraph a), the beneficiary unit is not entitled to receive, for this consort, the daily allowance referred to in sub-paragraph a) for any day in respect of which the consort receives such benefits, allowances or salary.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.4.5** The maximum number of days in a year for which a beneficiary unit may receive the amount provided in paragraph 30.4.4 is two hundred and forty (240) days for each adult in the beneficiary unit except:

a) in the case of a beneficiary unit accepted for a first time to the program, the maximum number of days in that first year is one hundred and twenty (120) days for each adult;

b) in the case of a beneficiary unit accepted after an absence from the program of at least one (1) full program-year, the maximum number of days in the first year following that absence is one hundred and twenty (120) days for each adult;

c) in the case of a beneficiary unit whose head spends the major part of his or her time carrying out harvesting and related activities within a fifty (50) kilometer radius of the establishment which is the usual residence location of the beneficiary unit, the maximum number of days is one hundred and sixty (160) for each adult; or

d) in the case of a beneficiary unit admitted to the semi-active status under paragraph 30.3.10, the maximum number of days is one hundred and nineteen (119) for each adult.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.4.6** For the purpose of sub-paragraph 30.4.5 c):

a) the application of the maximum does not apply if the region is listed as a far harvesting region as provided in paragraphs 30.4.11 and 30.4.12; and

b) the application of the maximum is dependent on the harvesting region where the head of the beneficiary unit spends the most time during the year carrying out harvesting and related activities even though the head may also use, occasionally during the same year, other sectors located farther away.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.4.7** The Board may, at the request of the head of the beneficiary unit, determine that the one hundred and sixty (160) days maximum per adult does not apply to the beneficiary unit for any given year in the case where the Board is of the opinion that a region located within the fifty (50) kilometer

radius offers major difficulty of access. The decision of the Board must be by unanimous vote of the members present at the meeting considering the matter.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.4.8** After the provisions relating to hunters harvesting within a fifty (50) kilometer radius have been in force for a period of three (3) years, the Board shall proceed to their revision to evaluate if the provisions are effective and should or should not be either maintained or modified. The Board shall make recommendations to the Cree Nation Government and Québec who may, by agreement between the Chairman of the Cree Nation Government and the Minister, proceed with the necessary change.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

#### IV. Allowance for Harvesting in a Far Region

**30.4.9** In addition to the amount provided at paragraph 30.4.4, each adult in a beneficiary unit is entitled to receive an additional amount equal to 30% of the amount provided under paragraph 30.4.4 for harvesting and related activities in a far harvesting region provided that:

- a) the amount is only payable in respect of days claimed for which the member of the beneficiary unit spent the full twenty-four (24) hours in the far harvesting region, except in the case where the far harvesting region is located within a fifty (50) kilometer radius of an establishment; and
- b) the number of days per adult per program-year for which this amount is payable shall not exceed one hundred and eighty (180).

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.4.10** The Board may, if it deems appropriate, restrict the payment of the additional amount provided at paragraph 30.4.9 to harvesting and related activities conducted during a specific period and such period may vary between communities.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.4.11** The far harvesting regions are depicted in the set of maps attached as Schedule I. A set of the maps contained in Schedule I certified by the Board shall be held on deposit by the Board.

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Compl. A. no. 27, s. 1

**30.4.12** The following procedure shall apply to any modifications to the maps depicting the far harvesting regions:

- a) the Board may modify the maps depicting the far harvesting regions which presently form part of Schedule I to this Section, or any successor map, provided that:
  - i) any such modification is made by unanimous decision of the members present at the meeting considering the matter,

- ii) a copy of the modified map certified by the Board is on deposit with the Board, and
- iii) copies of the modified map certified by the Board are provided to each of the Chairman of the Cree Nation Government and the Minister within thirty (30) days of the decision of the Board; and

b) Schedule I to this Section shall be deemed to be modified in accordance with the decision of the Board referred to at sub-paragraph a) thirty (30) days following the date of the said decision.

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Compl. A. no. 27, s. 1

#### V. Allowance for Mentoring

**30.4.13** In addition to the amount provided at paragraph 30.4.4, the beneficiary unit is entitled to receive an amount equivalent to 40% of the daily allowance combined, if applicable, with the allowance for harvesting in a far region, for each day a youth participates in the practice of harvesting and related activities under the supervision of the head or the consort of a beneficiary unit provided that:

- a) the youth is at least thirteen (13) years of age at the beginning of the program-year and under eighteen (18) at the end of that same year;
- b) the youth has not been included and is not included as a dependent child in a program file active for the program-year;
- c) there are no more than two (2) youths per beneficiary unit benefitting from this measure annually;
- d) the youth is not benefitting from this measure in another program file during the same program-year; and
- e) the declaration referred to at paragraph 30.6.12 has been signed.

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Compl. A. no. 27, s. 1

**30.4.14** Subject to paragraph 30.4.15, the calculation and payment of the amount provided for at paragraph 30.4.13 are subject to the following:

- a) the daily amount can be claimed for a maximum of thirty (30) days annually per youth;
- b) the amount can only be claimed for periods outside the school calendar; and
- c) the amount can only be claimed for days during which the head or the consort also practiced harvesting or related activities and for which a daily allowance is paid to the beneficiary unit.

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Compl. A. no. 27, s. 1

**30.4.15** The Board may in exceptional circumstances depart from the rules provided at sub-paragraphs 30.4.14 a) or b) if it determines that such decision is in the best interest of the youth and is consistent with the nature and purposes of the program. In such case the daily amount can be claimed for a maximum of sixty (60) days annually per youth. The decision of the Board must be by unanimous vote of the members present at the meeting considering the matter.

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Compl. A. no. 27, s. 1

**30.4.16** After the provisions related to mentoring have been in force for a period of three (3) years, the Board shall proceed to their revision to evaluate if the provisions are effective and should or should not be either maintained or modified. The Board shall make recommendations to the Cree Nation Government and to Québec who may, by agreement between the Chairman of the Cree Nation Government and the Minister, proceed with the necessary change.

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Compl. A. no. 27, s. 1

#### VI. Supplementary Allowance

**30.4.17** A beneficiary unit eligible for benefits under the program may also be entitled to an additional allowance calculated on the basis of the number of adults and children who are part of the beneficiary unit and of the income of the beneficiary unit.

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Compl. A. no. 27, s. 1

**30.4.18** The supplementary allowance is calculated as:

a) the sum of the following amounts:

- i) an amount of five thousand ninety-one dollars (\$5,091.00) for the head of the beneficiary unit and five thousand ninety-one dollars (\$5,091.00) for the consort,
- ii) an amount of two thousand thirty-nine dollars (\$2,039.00) for each family and for each unattached individual not living with his or her parent, grandparent or child, and
- iii) an amount of two thousand thirty-nine dollars (\$2,039.00) for each dependent child;

b) less an amount equal to the sum of old age security pension payments received by the beneficiary unit and 40% of:

- i) outside income, as described in paragraph 30.4.3,
- ii) amounts received as benefits under the program or replacement for such benefits in accordance with Sub-Section 30.4, and
- iii) the net income received by the beneficiary unit from land development activities referred to at paragraph 30.3.8.

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Compl. A. no. 27, s. 1

#### VII. Maternity Benefits and Parental Benefits

**30.4.19** The beneficiary unit may receive:

- a) maternity benefits, which take into account days when a woman who is the head of a beneficiary unit or the consort of the head of that beneficiary unit is unable to participate in harvesting and related activities as a result of her pregnancy, its effects or care of the infant; and

b) parental benefits, which take into account days where a person who is the head of a beneficiary unit or the consort of the head of that beneficiary unit takes a leave of absence from harvesting and related activities, as a result of his or her consort's pregnancy, the effects of that pregnancy or the care of the infant. Such leave may begin not earlier than at a date corresponding to a number of weeks, set by the Board, preceding the expected date of the birth.

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Compl. A. no. 27, s. 1

**30.4.20** The Board shall determine the period and the amount of the benefits to be paid under paragraph 30.4.19 provided that:

- a) the number of days for which a beneficiary unit may receive maternity benefits under subparagraph 30.4.19 a) may not exceed, per pregnancy, the annual maximum of days applicable to the beneficiary unit under paragraph 30.4.5;
- b) the number of days for which a beneficiary unit may receive parental benefits under subparagraph 30.4.19 b) may not exceed thirty-five (35) per pregnancy; and
- c) the total amount of these benefits may not exceed on a *per diem* basis the daily allowance payable under paragraph 30.4.4, combined if applicable, with the amount payable under paragraph 30.4.9.

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Compl. A. no. 27, s. 1

**30.4.21** No benefits shall be issued unless the Board determines, pursuant to criteria it establishes, that the person who is otherwise eligible to receive them would have participated in harvesting or related activities, and provided that he or she is not benefiting from a parental leave program of general application in Québec.

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Compl. A. no. 27, s. 1

**30.4.22** Benefits are payable only after the Board has received the documentation it considers adequate certifying the pregnancy, the effects of the pregnancy or the care of the infant.

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Compl. A. no. 27, s. 1

#### VIII. Benefits in Case of Sickness or Disaster

**30.4.23** The purpose of the following paragraphs is to provide compensation, complete or partial, for the loss of benefits that beneficiaries under the program incurred as a result of not being able to conduct harvesting or related activities due to sickness or disaster.

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Compl. A. no. 27, s. 1

**30.4.24** A beneficiary unit may receive:

- a) sickness benefits, which take into account days when the head or the consort is unable to participate in harvesting and related activities as a result of his or her sickness or of the sickness of one of its members; and
- b) disaster benefits, which take into account days when the head or the consort is unable to participate in harvesting and related activities following a disaster.

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Compl. A. no. 27, s. 1

**30.4.25** The Board shall determine the period and the amount of the benefits to be paid in the case of sickness or disaster provided that:

a) the number of days for which a beneficiary unit may receive such benefits does not exceed the annual maximum of days applicable to the beneficiary unit under paragraph 30.4.5 and each sickness or event is limited by this maximum; and

b) the total amount of these benefits not exceed on a *per diem* basis the daily allowance payable under paragraph 30.4.4 combined, if applicable, with the amount payable under paragraph 30.4.9.

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Compl. A. no. 27, s. 1

**30.4.26** No benefits shall be issued unless the Board determines, pursuant to criteria it establishes, that the person who is otherwise eligible to receive them would have participated in harvesting or related activities.

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Compl. A. no. 27, s. 1

**30.4.27** Benefits are payable:

a) in the case of sickness, only after the Board has received documentation signed by a doctor or other person recognized for this purpose by the Board, certifying that the beneficiary was unable, during any given period, to practice harvesting or related activities because he or she was sick or injured or certifying that a member of the beneficiary unit was sick during that period; and

b) in the case of disaster, only after the Board has determined whether the effects of an event such as a flood or a forest fire are of such significant scale as to qualify as a disaster.

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Compl. A. no. 27, s. 1

#### IX. Compensation in the Event of a Catastrophe

**30.4.28** For the purpose of this Sub-Section:

a) “catastrophe” shall mean an event such as an earthquake or a major forest fire, whatever the cause, that has a significant impact on the harvesting and related activities of the beneficiaries resulting in a reduction of days spent in harvesting and related activities; and

b) the Board shall determine, in a manner consistent with the provisions of this Section and particularly this Sub-Section, what specific events shall constitute a catastrophe.

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Compl. A. no. 27, s. 1

**30.4.29** With respect to payment of compensation in the case of catastrophes:

a) the Board shall make recommendations to the Minister regarding:

i) the appropriateness of applying the provisions related to catastrophes,

ii) the daily rate to be applied for the period to be covered through these provisions and the total amount of compensation to be paid, provided that the daily compensation paid to a beneficiary unit for each day under this measure shall never exceed the daily net allowance, and

iii) the number of days to be compensated;

b) no sickness or disaster benefits within the meaning of paragraph 30.4.23 shall be granted for days compensated pursuant to the present paragraph;

c) no payment shall be made pursuant to this paragraph if there exist other means of compensation for the days lost as a result of a catastrophe;

d) all individual claims by a beneficiary unit made pursuant to this paragraph must be approved by the Board; and

e) the Board may adopt administrative rules respecting the presentation of a claim pursuant to this paragraph, the manner in which the Board shall treat such claim and the manner of payment.

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Compl. A. no. 27, s. 1

#### X. Indexation

**30.4.30** The dollar amounts provided for in this Section shall be indexed annually according to the Quebec Pension Plan rate. If a cost of living index for the Territory computed on a basis similar to that available in Québec becomes available or any other index deemed advantageous, the Board may by unanimous decision of the members present at the meeting considering the matter, decide to use this index.

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Compl. A. no. 27, s. 1

### 30.5 Administration of the Program

#### I. Cree Hunters Economic Security Board

**30.5.1** There is established the Cree Hunters Economic Security Board (hereinafter referred to as the “Board”). The Board may also be designated under the Cree name “IIYIYIU INTUUHUUSIU SHUUYAAN” and under the name, in French, of “Office de la sécurité économique des chasseurs cris”.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.2** The Board is a legal person within the meaning of the Civil Code of Québec and shall have the general powers of such a legal person and such special powers as are assigned to it by statute.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.3** The Board shall have six (6) members. The Cree Nation Government and Québec shall each appoint three (3) members and shall pay the remuneration and expenses of their respective members.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1



**30.5.4** Four (4) members shall constitute a quorum provided two (2) members appointed by each party are present.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.5** The members of the Board shall each have one (1) vote.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.6** The respective parties shall appoint a Chair and Vice-Chair of the Board who shall hold office for one (1) year, from among their appointees in the following manner:

- a) in the first year of the operation of the Board, the Chair shall be appointed by Québec and the Vice-Chair shall be appointed by the Cree Nation Government;
- b) in the second year of the operation of the Board, the Chair shall be appointed by the Cree Nation Government and the Vice-Chair shall be appointed by Québec; and
- c) in subsequent years, the appointment of the Chair and Vice-Chair of the Board shall take place in the sequence set forth in sub-paragraphs a) and b).

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.7** In the absence of the Chair, the Vice-Chair shall act as Chair.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.8** The Chair of the Board shall have a second and deciding vote.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.9** Unless otherwise specifically provided elsewhere in this Section, where it is provided that the Board decides or otherwise acts, it shall do so only by virtue of the vote of the majority of the members present at the meeting considering the matter provided that at least one (1) member appointed by the Cree Nation Government and one (1) member appointed by Québec form part of the majority.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.10** With respect to the yearly applications to participate in the benefits of the program, the Board shall:

- a) examine the new applications and applications for reinstatement transmitted by the local administrator pursuant to sub-paragraph 30.6.3 a);
- b) submit the list of applications to the local committee for recommendation prior to June 5 or such other date as may be established by the Board;

c) examine the declarations, transmitted by the local administrator pursuant to sub-paragraph 30.6.3 b); and

d) review the applications and declarations and draw up the definitive list of beneficiaries eligible for the program.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.11** In the case where the Board has accepted an application at a date later than the one stipulated under sub-paragraph 30.6.2 a) and is not able to submit this application to the local committee within the delay stipulated in sub-paragraph 30.5.10 b), it shall nevertheless proceed to the determination of the eligibility of the beneficiary unit and table the application at the next meeting of the local committee in question, for information.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.12** In addition to the other functions and duties of the Board provided for in this Section, the Board shall:

- 1) review all complaints and claims resulting from the operation of the program or the procedures established for the program or any other matter contemplated in this Section;
- 2) review the operation of the program and procedures established for the program and participate at the request of the Minister in the evaluation of the results of the program;
- 3) supervise the administration of the program and procedures established for the program;
- 4) establish, pursuant to paragraph 30.4.30, the annual adjustment of the dollar amounts provided for in this Section and where appropriate, the cost of living rate to which the payments under the program established by this Section shall be indexed;
- 5) establish the administrative procedures and criteria consistent with the terms of this Section, necessary to implement the program, and modify such procedures and criteria from time to time on the basis of experience with the operation of the program;
- 6) consult the appropriate local administrator or administrators in all matters respecting the operation of the program in any Cree community or communities;
- 7) prepare an estimate of the annual costs of the program for each Cree community, including an amount for each eligible beneficiary unit, and obtain from Québec the funds necessary to cover such costs;
- 8) prepare a budget for its own operations and obtain from Québec the funds necessary to cover such costs;
- 9) recommend or determine, as the case may be, when and how revisions to the program should be made as provided in Sub-Sections 30.8 and 30.9;

- 10) fulfill, for a given Cree community, the duties of the local administrator contemplated in paragraph 30.5.15 if there is no local administrator in such community;
- 11) recommend to the Minister the specific activities to be designated as land development activities and determine the extent to which, and the conditions upon which such activities may replace harvesting and related activities for the purposes of the eligibility of a beneficiary unit;
- 12) determine, for the purposes of sub-paragraph 30.4.3 a), any amount or amounts from the sale of furs greater than nineteen thousand nine hundred and ninety-seven dollars (\$19,997.00), which amounts may vary according to categories of beneficiaries, revenues, territories where harvesting and related activities are carried out or the manner in which such activities are exercised;
- 13) determine the income, salaries and subsidies to be excluded pursuant to sub-paragraph 30.4.3 c);
- 14) determine the criteria and conditions for benefits contemplated in paragraph 30.4.19;
- 15) determine the amount of the daily benefits, which may not exceed that provided in paragraphs 30.4.4 and 30.4.9 and the maximum number of days for which a beneficiary unit may receive benefits under Title VII of Sub-Section 30.4;
- 16) establish the conditions and procedures for reimbursement of the overpayments contemplated in sub-paragraph 30.6.8 f);
- 17) where appropriate, advise a person eligible under the program to leave the program for reasons of health or safety or to apply to benefit under other measures provided through the program;
- 18) where appropriate and as provided at paragraph 30.4.10, establish for one (1) or more communities the period during which beneficiary units conducting harvesting and related activities in a far harvesting region are entitled to receive the additional amount provided at paragraph 30.4.9;
- 19) determine the information required to be provided by a beneficiary unit respecting time spent conducting harvesting and related activities in a far harvesting region;
- 20) modify, where authorized in this Section, the dates established as deadlines or identified as a period to carry out an activity;
- 21) determine, for the purposes of benefits in case of sickness or disaster, the amount and the period of benefits to be paid in accordance with paragraph 30.4.25 and that the conditions set out in paragraph 30.4.26 have been met;
- 22) determine the persons other than a doctor who may certify that an individual was unable to practice harvesting or related activities or that a member of the beneficiary unit was sick, as provided at sub-paragraph 30.4.27 a);
- 23) determine whether the effects of an event such as a flood or a forest fire are of such significant scale as to qualify as a disaster within the meaning of sub-paragraph 30.4.27 b);

- 24) determine, as provided at paragraphs 30.4.28 and 30.4.29, what events shall constitute a catastrophe and make the appropriate recommendations to the Minister;
- 25) fulfill the duties and roles provided in respect of the mechanism for review of the implementation and application of Section 30, as provided at paragraph 30.8.6;
- 26) modify the maps depicting the far harvesting regions forming part of Schedule I of this Section or any successor map as referred to at paragraph 30.4.12;
- 27) determine in accordance with paragraph 30.5.28, the fee to be paid to the members of the local committee and, for each local committee, the total number of days for which the fee may be paid, not to exceed five (5) days annually;
- 28) determine what constitutes organized traditional way of life activities; and
- 29) adopt such administrative rules as it deems necessary and appropriate to give effect to the provisions of this Section.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.13** A measure adopted by the Board under point 13 of paragraph 30.5.12 must be approved by the Minister.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

## II. Local Administrator

**30.5.14** For each Cree community, the Board shall, following consultations with the responsible Cree local government, appoint a local administrator for the community who shall be an employee of the Board and who shall have an office in the community.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.15** The local administrator shall:

- a) receive annually the applications for economic security benefits submitted in the Cree community where he or she carries on his or her duties;
- b) see to the proper functioning of the program and the procedures provided for and in accordance with this Section, at the community level;
- c) see to the distribution and payment to heads of beneficiary units of sums due in accordance with the provisions of this Section;
- d) keep accurate and verifiable records of all payments made to heads of beneficiary units and costs incurred in the administration of the program, in accordance with the procedures and criteria established by the Board;

- e) assist members of beneficiary units to apply for and prepare all necessary documentation respecting eligibility and benefit forms under the program and provide other relevant information;
- f) collect and preserve all necessary documentation respecting eligibility and benefits under the program, in accordance with the procedures and criteria established by the Board; and
- g) participate as a member, in the work of the local committee for the community in question.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

### III. Local Economic Security Program Committee

**30.5.16** The Board shall request of the Chief and Council of each Cree community the establishment by resolution, of a Local Economic Security Program Committee (“local committee”), to act as a consultative body to the Board.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.17** A local committee shall be composed of not fewer than three (3) and not more than seven (7) members.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.18** The local administrator of the community in question is automatically a member of the local committee. If there is no local administrator in place in a community, the Board appoints one (1) of its employees to be a member of that local committee.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.19** Upon its establishment, the local committee shall post a notice of its membership in a public place within the Cree community in question.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.20** The Board may also mandate one (1) of its employees to participate in the meetings of the local committees in order to facilitate the work of a local committee. This person participates in the work of the local committee but is not a member.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.5.21** The members designated by the community shall remain in office until they are replaced or reappointed.

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Compl. A. no. 27, s. 1

**30.5.22** The names of the local committee members designated by the community must be submitted to the Board.

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Compl. A. no. 27, s. 1

**30.5.23** The local committee identifies the member who will direct the activities of the committee, coordinate its work and act as a liaison between the local committee and the Board.

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Compl. A. no. 27, s. 1

**30.5.24** A quorum for sittings of a local committee shall be at least a majority of the members.

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Compl. A. no. 27, s. 1

**30.5.25** A local committee may adopt rules of procedure concerning the implementation of paragraphs 30.5.16 to 30.5.27. These rules shall be transmitted to the Board and be available for public consultation upon request.

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Compl. A. no. 27, s. 1

**30.5.26** A local committee has the following powers and responsibilities:

- a) act throughout the year as a consultative body to the Board with respect to the information provided by the beneficiaries of the community in question, to establish their eligibility and establish the calculation of benefits and if appropriate, to make recommendations to further review the information provided by a beneficiary;
- b) study the list of new applications and applications for reinstatement transmitted by the Board pursuant to sub-paragraph 30.5.10 b) and if it deems it appropriate and prior to June 30 or such other date as may be established by the Board, make recommendations to exclude a beneficiary from the list;
- c) make recommendations to the Board in regard to any aspect of the design, administration or operation of the program in the Cree community where it carries out its duties;
- d) consult and exchange information deemed necessary by the Board on any matter regarding the design, administration or operation of the program in the Cree community where it carries out its duties; and
- e) advise a person eligible under the program as provided at paragraph 30.3.7.

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Compl. A. no. 27, s. 1

**30.5.27** In the event a community has not appointed a local committee as stipulated at paragraph 30.5.16 or if a local committee is unable to review the list of new applications and applications for reinstatement and make the necessary recommendations within the deadline established at sub-paragraph 30.5.26 b), the Board is authorized, in accordance with sub-paragraph 30.5.10 d), to draw up the definitive list of beneficiaries eligible for the community in question.

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Compl. A. no. 27, s. 1

**30.5.28** The Board pays each member of a local committee who is not an employee of the Board, the fee determined by the Board for each meeting day the member attends. The maximum annual number of days is five (5) and may vary according to the needs of each committee. The fee is indexed annually in accordance with the provisions of paragraph 30.4.30.

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Compl. A. no. 27, s. 1

## **30.6 Procedures**

**30.6.1** For the purpose of the program, the program-year shall commence on July 1 of each year.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.2** Unless prevented from doing so by harvesting and related activities, training, education or employment away from the settlement, sickness, accident or other similar circumstances:

a) each person making a new application or applying for reinstatement for benefits under the program shall submit the application between May 1 and May 31 each year or such other date as may be established by the Board; and

b) beneficiaries already enrolled in the program must declare in writing, between June 15 and July 15 each year or such other date as may be established by the Board, their intention to pursue harvesting activities for the coming year.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.3** The local administrator shall transmit annually to the Board:

a) no later than June 5 of each year or such other date as may be established by the Board, the applications referred to in sub-paragraph 30.6.2 a), submitted in the Cree community where his or her duties are carried out; and

b) no later than August 1 of each year or such other date as may be established by the Board, the declarations referred to in sub-paragraph 30.6.2 b), submitted in the Cree community where his or her duties are carried out.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.4** Once it has drawn up, in accordance with sub-paragraph 30.5.10 d), the definitive list of beneficiaries eligible to the program for the current year, the Board shall calculate the required funds for each Cree community for the operation of the program during the year, including administrative costs, taking into account in the estimated total costs any surplus or deficit resulting from the operation of the program in the preceding year.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.5** The Board shall, on the basis of the calculation referred to at paragraph 30.6.4, submit to the Minister a request for the necessary funds for any given period to be determined from time to time by the Board, and the Minister shall transfer to the Board within thirty (30) days of the receipt of such request the necessary funds to cover the costs of the program, including administrative costs for such period.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.6** No later than August 31 of each year, the Board may transfer to the local administrator amounts determined from time to time by the Board, sufficient to cover the special payments referred to at paragraph 30.6.9, provided that the amount available to each local administrator is at least equal to 25% of the total amount paid to beneficiary units in his or her community in the preceding year.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.7** All funds transferred by the Board to a local administrator shall be held by such local administrator in segregated trust accounts for the specific purpose of payments to heads of beneficiary units in accordance with the provisions of this Section, and administration costs incurred by said local administrator, in connection therewith.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.8** The Board shall distribute payments to the heads of beneficiary units through the office of the local administrator, subject to the following provisions:

- a) the first payment, equal to 1/6 of the estimated total annual payment, shall be made on or about August 31, and the following payments equal to 1/12 of the estimated total annual payment on or about the last day of each of the following ten (10) months;
- b) any balance shall be paid after submission of the information contemplated in paragraph 30.6.11, on the date determined by the Board;
- c) where the head of the beneficiary unit or the consort does not intend to return to his or her settlement before January 2, the payment to be made on August 31 shall be equal to half of the estimated total annual payment;
- d) the Board shall make payments directly to a consort upon request by the consort, in accordance with the criteria established by the Board;
- e) the Board may also, if it considers it necessary and in accordance with the criteria it establishes, grant to the consort rather than to the head of the beneficiary unit, the payments due to the beneficiary unit or that part of the payment attributable to the consort;
- f) where the head of the beneficiary unit or the consort has received an amount exceeding that payable for one (1) year, the overpayment must be reimbursed in accordance with the conditions and procedures established by the Board, within the two (2) years following the subsequent application for program benefits;



g) in the event of the death of the head of a beneficiary unit or the consort in the period following the first payment in a program year and prior to the second payment, the minimum to be paid to the beneficiary unit in respect of the deceased shall be equal to at least 1/4 of the estimated total annual payment established for the deceased for the year;

h) the Board may modify any date stipulated in sub-paragraphs a) or c); and

i) the Board may choose any method of payment it deems appropriate, including direct deposit in a financial institution.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.9** Notwithstanding paragraph 30.6.8, the local administrator may issue payments to heads of beneficiary units or the consorts in the following cases:

a) a head of a beneficiary unit or the consort who intends to be absent from the settlement for a period of ten (10) consecutive days or more for the purpose of conducting harvesting and related activities and who has not received the special payment under sub-paragraph 30.6.8 c) for the said period, shall be entitled to receive from the local administrator an advance upon his or her next regular payment in the amount of one hundred dollars (\$100.00) per eligible adult in the beneficiary unit; or

b) in the event that the head of a beneficiary unit or the consort does not receive from the Board the payment due to him or her pursuant to sub-paragraphs 30.6.8 a) or c), the local administrator may issue such payment from the funds that he or she holds in trust.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.10** The amounts paid under paragraphs 30.4.9 and 30.4.13 shall be paid at the end of the program-year or such other time as may be established by the Board.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.11** Every head of a beneficiary unit shall be required to provide the local administrator with information for the year just ended and with estimated information for the coming year respecting the following:

a) his or her family, as necessary for the calculations referred to in Sub-Section 30.4;

b) the amount of time spent conducting harvesting and related activities;

c) the amount of time spent in wage employment;

d) the revenue derived from such harvesting and related activities and such wage employment;

e) any pertinent information respecting income referred to in Sub-Section 30.4; and

f) in accordance with the requirements of the Board indicating the amount of time spent conducting harvesting and related activities in a far harvesting region.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.12** Where a beneficiary unit wants to avail itself of the mentoring provisions as provided under paragraphs 30.4.13 to 30.4.15, the mentor and the youth must both sign a declaration to that effect indicating their intention and the approximate dates the youth will accompany the beneficiary unit.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.13** The information referred to in paragraphs 30.6.11 and 30.6.12 may be provided in the form appropriate to local circumstances, including in the form of diaries or affidavits.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.14** The local administrator shall collect such information and forward it to the Board.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.6.15** Benefits under Sub-Section 30.4 are payable only after the Board has received supporting documentation it deems appropriate, with respect to the eligibility of a beneficiary unit or the calculation of benefits under the program. The Board may suspend, reduce or cease to pay any benefit under the program where there is failure to provide appropriate documentation supporting eligibility or the benefits calculated. Decisions made by the Board under this section must include reasons and be communicated in writing to the person concerned.

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Compl. A. no. 27, s. 1

**30.6.16** Québec and the Board shall have the right to verify or audit all procedures, books and documents provided for in this Section and shall have the right to withhold or reclaim funds or adjust allocations of funds in the event of overpayment or abuse.

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Compl. A. no. 27, s. 1

### **30.7 Examination, Review and Appeals**

**30.7.1** Notwithstanding sub-paragraphs 30.3.4 a) to k), if a Cree believes that consistent with the nature and purposes of the program, he or she should be considered eligible and should receive benefits under the program, the Board may, upon request from such person, examine or review the case and determine if the grounds given by this person are consistent with the nature and purposes of the program and decide if such person shall be considered eligible and benefit under the program. The decision of the Board must be by unanimous vote of the members present at the meeting considering the matter.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.7.2** If the head of a beneficiary unit or the consort believes himself or herself aggrieved because the beneficiary unit has been refused benefits under the program, because he or she considers the beneficiary unit is entitled to higher benefits, because the benefits of the beneficiary unit have been reduced, suspended or discontinued, or because the Board has refused to make payments directly to a consort as provided in sub-paragraphs 30.6.8 d) and e), he or she may appeal to the Board to review its decision.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.7.3** An application for a review by the Board shall be made in writing within sixty (60) days after the complainant is notified of the decision he or she applies to have reviewed. The application for review must contain a brief account of the grounds invoked and must be sent to the Board.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.7.4** Upon receipt of the application for review, the Board shall verify the facts and circumstances of the case, examine the grounds invoked and render its decision within sixty (60) days of receiving the application for review. The Board shall immediately give notice in writing to the complainant of the decision rendered, the reasons on which it is based and any right to further appeal.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.7.5** The Board may maintain or reverse a decision submitted to it.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.7.6** An appeal may be made to the *Tribunal administratif du Québec* or its successor, concerning a decision rendered by the Board pursuant to paragraph 30.7.5.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.7.7** Any appeal made pursuant to this Sub-Section does not suspend the application of a decision rendered by the Board.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

## **30.8 Review of the Program**

**30.8.1** Québec and the Cree Nation Government shall from time to time review the operation of the program, procedures and benefits established by and in accordance with this Section. They may, by mutual consent, make any adjustments necessary for the proper functioning of or to give effect to the program, procedures and benefits provided for in this Section, including in particular, the provisions of paragraphs 30.2.3, 30.2.8 and 30.2.9.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.8.2** The Board may modify the amounts provided at sub-paragraph 30.4.18 a):

a) to ensure that in the case of sub-paragraphs 30.4.18 a) i) and ii), these amounts, on the basis of a family of two (2) adults, are always more generous than the basic benefit granted to families eligible under any individual or family assistance program, or any guaranteed annual income program of general application existing or established from time to time in Québec, whether such program is established or funded by Québec or Canada; and

b) in the event that, as a result of the application of sub-paragraph a) the board modifies the amount provided for at sub-paragraph 30.4.18 a) ii), it shall also adjust the amount provided at sub-paragraph 30.4.18 a) iii) so that the amounts in both sub-paragraphs are the same.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.8.3** In the event that any individual and/or family assistance program existing from time to time in Québec is modified or a guaranteed annual income program of general application is established or modified, the Board may request a review of the program if in its opinion it would have been more expensive for Québec, during any period of one (1) year running from July 1 to June 30, to enroll all beneficiaries of the program in such individual and/or family assistance program or such guaranteed income program of general application and in such case, the program shall be modified in accordance with the provisions of paragraphs 30.8.4 and 30.8.5.

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Compl. A. no. 27, s. 1

**30.8.4** In the case of modifications to the program effected pursuant to and in accordance with paragraph 30.8.3, Québec shall effect such modifications only after prior consultation with and upon recommendations of the Board. Such modifications to the program shall assure that the amounts established by and in accordance with sub-paragraph 30.4.18 a) for the program shall not be reduced and the exemptions and the reduction rate established by and in accordance with paragraph 30.4.18 b) for the program shall not be modified unless the Board decides otherwise by unanimous decision of the members present at the meeting considering the matter.

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Compl. A. no. 27, s. 1

**30.8.5** In the event that any other guaranteed annual income, transfer payment, or income security programs of general application are established, or are significantly modified from time to time in Québec, whether such programs are established or funded by Québec or Canada:

a) subject to the provisions of this Sub-Section, Québec and the Cree Nation Government shall review the program and shall by mutual consent make any adjustments necessary to ensure the continued existence of the program and the maintenance of the purpose and principles of the program; and

b) a lack of agreement between Québec and the Cree Nation Government on a matter contemplated in sub-paragraph a) shall not prejudice the rights of beneficiaries under the program, including those

set forth in paragraphs 30.2.3, 30.2.8 and 30.2.9 and failing such agreement the necessary adjustments shall be effected through binding arbitration in accordance with the laws of Québec and upon the basis of the principles set forth in this Section. For the purposes of such arbitration, Québec and the Cree Nation Government shall each appoint one (1) arbitrator. The arbitrators so appointed shall together appoint a third arbitrator.

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Compl. A. no. 27, s. 1

**30.8.6** In addition to the process provided in paragraph 30.8.1, a mechanism for review of the implementation and application of this Section is established as follows:

a) Québec and the Cree Nation Government may initiate a review by submitting to the Board, with a copy to the other party, a written notice signed by, in the case of Québec, the Minister or one (1) of the members of the Board appointed by Québec and, in the case of the Cree Nation Government, its Chairman or one (1) of the members of the Board appointed by the Cree Nation Government, requesting the review of any aspect of the program;

b) the Board shall consider the request within the ninety (90) days following receipt of the written notice referred to at sub-paragraph a) or within any other period agreed to by the Minister and the Chairman of the Cree Nation Government;

c) if the Board does not arrive at a solution satisfactory to both the Minister and the Chairman of the Cree Nation Government it shall again consider the matter within one hundred and fifty (150) days of the date of the receipt of the notice referred to in sub-paragraph a) or within any other period agreed to by the Minister and the Chairman of the Cree Nation Government;

d) should the Board, after considering the matter as provided in sub paragraph c) fail to reach a solution acceptable to the Minister and the Chairman of the Cree Nation Government, it shall so notify the Minister and the Chairman of the Cree Nation Government who may within forty-five (45) days following the date of the receipt of such notice from the Board or within any other period agreed to by the Minister and the Chairman of the Cree Nation Government:

- i) determine an agreed upon solution,
- ii) designate a third party to inquire, collect relevant information and draft recommendations,
- iii) agree upon a mediation process, or
- iv) institute the binding arbitration process provided for at sub-paragraph 30.8.5 b);

e) if an agreement between the Minister and the Chairman of the Cree Nation Government is achieved, the parties shall within a reasonable delay take the necessary measures to implement their agreement; and

f) if there is no agreement between the Minister and the Chairman of the Cree Nation Government pursuant to sub-paragraph d) and the parties have not instituted the binding arbitration process provided for at sub-paragraph 30.8.5 b), Québec, the Cree Nation Government and the Board shall include the issue in question in the next review of the program held pursuant to paragraph 30.8.1.

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Compl. A. no. 27, s. 1

### **30.9 Final Provisions**

**30.9.1** Subject to modification by the mutual consent of Québec and the Cree Nation Government, the total number of remunerated person/days contemplated at paragraphs 30.4.4 and 30.4.5 in each program-year shall not exceed three hundred and fifty thousand (350,000) person/days and the total number of remunerated person/days contemplated at paragraph 30.4.9 in each program-year shall not exceed one hundred thousand (100,000) person/days or, in either case, such greater number of person/days as may be fixed by Québec after consultation with the Board.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.9.2** At least one hundred and eighty-five thousand (185,000) person/days or any greater number of such days as may be fixed by Québec after consultation with the Board, must be spent in harvesting or related activities while other days may be spent either in such activities or in land development activities having been the subject of a decision of the Minister pursuant to paragraph 30.3.8.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.9.3** With respect to the application of the person/days limit established pursuant to paragraph 30.9.1:

a) Québec and the Cree Nation Government undertake to review annually the person/days limit for the program and to agree on adjustments they deem necessary. The parties may also, by agreement, determine from time to time the way in which the annual review is carried out; and

b) in the event that at the commencement of a program year the Board determines that the estimated total person/days to be remunerated under paragraphs 30.4.4 and 30.4.5 exceeds three hundred and fifty thousand (350,000), it shall review the operation of the program and recommend appropriate measures to be implemented in subsequent years, in order to give effect to the provisions of paragraph 30.9.1 or any modifications pursuant thereto.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.9.4** If for any program year the demand for days to be remunerated under paragraph 30.4.9 exceeds one hundred thousand (100,000) days, the Board shall, in order to comply with paragraph 30.9.1, determine how the available one hundred thousand (100,000) days shall be allocated to beneficiary units claiming such days under paragraph 30.4.9 for that program year.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.9.5** In the event that the Minister does not receive the recommendation referred to at paragraph 30.9.3 b) before December 31 of any given year, or if the Minister has cause to believe that such recommendation will not give proper effect to the provisions of paragraph 30.9.1, the Minister may,

after further consultation with the Board, effect such modifications as are necessary to give proper effect to the provisions of said paragraph.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.9.6** Notwithstanding any other Act, the Board may when appropriate obtain from any government department or body any information that it considers necessary respecting the benefits of any kind which such department or body has paid, is paying or would be authorized to pay to any person who receives or applies for benefits under the program.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.9.7** Subject to the provisions of this Section, the Minister may, after consultation with the Board, establish such further administrative procedures, including requirements for verification of information, and prescribe such penalties as may be necessary to give full force and effect to this Section.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

### **30.10 Amendment Clause and Legislation**

**30.10.1** Unless otherwise specifically provided in this Section, the provisions of this Section can only be amended with the consent of Québec and the interested Native party.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

**30.10.2** Legislation enacted to give effect to the provisions of this Section may be amended from time to time by the National Assembly of Québec.

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Compl. A. no. 15, s. 1

Compl. A. no. 27, s. 1

## **Annex 1**

### **Maps of far harvesting regions nos. 67 to 75**

*See plan no. 67 Far Harvesting Region of Chisasibi (Complementary Documents)*

*See plan no. 68 Far Harvesting Region of Eastmain (Complementary Documents)*

*See plan no. 69 Far Harvesting Region of Mistissini (Complementary Documents)*

*See plan no. 70 Far Harvesting Region of Nemaska (Complementary Documents)*

*See plan no. 71 Far Harvesting Region of Oujé-Bougoumou (Complementary Documents)*

*See plan no. 72 Far Harvesting Region of Waskaganish (Complementary Documents)*

*See plan no. 73 Far Harvesting Region of Waswanipi (Complementary Documents)*

*See plan no. 74 Far Harvesting Region of Wemindji (Complementary Documents)*

*See plan no. 75 Far Harvesting Region of Whapmagoostui (Complementary Documents)*

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JBNQA, s. 30

A. corr.

Compl. A. no. 8, sch. I, ss. 1 to 26

Compl. A. no. 15, s. 1 and Sch. 1

Compl. A. no. 27, s. 1