

NUNAVUT PLANNING COMMISSION
PROPOSED FOR PUBLIC COMMENT: RULES FOR PUBLIC PROCEEDINGS

Nunavut Tunngavik Incorporated (NTI) Comments
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NUNAVUT PLANNING COMMISSION
PROPOSED FOR PUBLIC COMMENT: RULES FOR PUBLIC PROCEEDINGS

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INTRODUCTION AND PURPOSE

The Nunavut Planning Commission makes these rules of procedure for the conduct of its Proceedings under the *NuPPAA* ([Nunavut Planning and Project Assessment Act](#)) and the [Nunavut Agreement](#).

The rules are intended to ensure that the Hearings and Public Review processes and procedures meet the administrative law requirements of fairness as may be required in the circumstances, and to provide Participants, Elders, Nunavummiut, and other Persons a meaningful opportunity to participate in the Commission's Proceedings.

The Commission may amend or add to these rules from time to time as required and in a manner consistent with the *NuPPAA*.

For convenience, these rules are divided into five parts:

- PART I. GENERAL: This Part deals with general rules and definitions that apply to all Proceedings, including Public Reviews and Hearings.
- PART II. PUBLIC REVIEWS: This Part sets out the rules and procedures for Public Reviews triggered by Persons applying to amend existing land use plans or to obtain a Minor Variance to carry out a work or activity otherwise not in conformity with a land use plan. Generally, Public Reviews may be conducted in writing and without a Hearing.
- PART III. HEARINGS: This Part sets out rules and procedures for Hearings that the Commission may hold when drafting a land use plan or periodically reviewing an existing land use plan, or where the Commission considers it appropriate to hold a Hearing as a component of a Public Review.
- PART IV. TRANSITION AND PUBLICATION OF RULES: This Part addresses how Proceedings under the Commission's former rules of procedure become subject to these new rules and the publication of these rules.
- PART V. FORMS: This Part contains the forms for use in Proceedings subject to these rules.

PART I. GENERAL

RULE 1. CITATION

- (1) These rules may be cited as the NPC Rules for Public Proceedings, or RFPP.

RULE 2. APPLICATION

- (1) These rules apply to all Amendment Applications, Minor Variances, Hearings on draft land use plans, and Hearings associated with periodic reviews of land use plans before the Commission.
- (2) These rules are not applicable to regular meetings of the Commission under its bylaws, reviews of projects by the Commission, mapping and land use studies or other types of information gathering by Commission staff whether or not for the preparation of a draft land use plan.

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RULE 3. DEFINITIONS & INTERPRETATION

(1) Unless the context requires otherwise, words and phrases in these rules have the same meaning as in the Agreement and the *NuPPAA*, and to the extent of any inconsistency or conflict the meaning in the Agreement and the *NuPPAA* prevail.

(2) In these rules:

“**Agreement**” means the Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada, signed on behalf of the Inuit of Nunavut and the Crown on May 25, 1993, as amended;

“**Amendment Applicant**” means a Person who submits an Amendment Application to the Commission in accordance with the *NuPPAA* and Agreement;

“**Amendment Application**” means a proposed amendment to an approved land use plan submitted to the Commission by an Amendment Applicant including associated documentation;

“**Commission**” means the Nunavut Planning Commission established as an institute of public government pursuant to the Agreement and the *NuPPAA*, and for clarity, includes the Chairperson or acting Chairperson, Commissioners, and Commission staff delegated by the Commissioners to conduct the Commission’s business functions, as the context requires;

“**Designated Inuit Organization**” (or **DIO**) means (a) the Tunngavik, or (b) in respect of a function under the Agreement, any of the Organizations that has been designated under the Agreement as responsible for that function;

“**Document**” includes anything in printed form, telecommunication or electronic transmission capable of being reduced to a printed format, video or audio recordings, photographs, film, any record of permanent or semi-permanent character, and information recorded or stored by means of any device;

“**Elder**” means a member of the community recognized as such in accordance with local culture, customs and traditions;

“**Entity with Right to Standing**” means a Designated Inuit Organization, a Person entitled to standing at a Commission Hearing as of right under section 190 or 191 of the *NuPPAA* and the *Agreement*, as well as an Amendment Applicant or a Proponent applying for a Minor Variance, as may be applicable.

“**Evidence**” is information that tends to prove a fact and may be received by the Commission in a variety of ways, including by hearing from witnesses orally, receiving it in writing as opinions or papers, or organizing round-table discussions and visiting locations as determined by the Commission in accordance with these rules, and includes “Documents” or other physical objects and Traditional Knowledge;

“**Hearing**” means an open forum meeting in which the Commission receives arguments, Documents and Evidence, and comments from Participants, Elders and others in accordance with rule 9(1), in an informal environment including but not limited to panels, round-table discussions, town hall meetings and Virtual Meetings, and is open to the public unless otherwise directed;

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“Information Request” means a written request for information or answers to questions made by the Commission, or from one Participant to another;

“Information Session and/or Community Meeting” means a meeting intended to promote public participation in a Proceeding wherein Commission staff may explain matters including land use planning generally, the subject matter of a Proceeding, and answer questions [and soliciting comments and Evidence including Traditional Knowledge and technical information](#);

“Interested Person” means any Person who in the opinion of the Commission, has information, knowledge or a view useful for the resolution of a matter before the Commission;

“Inuktitut” has the meaning given to it by the *NuPPAA*, [which includes Inuinnaqtun](#);

“Minor Variance” means relief or reasonable deviation for a single project from certain terms of an applicable land use plan while not permitting additional uses or changing a land use plan;

“Motion” means a request by a Participant for a ruling or order in a Proceeding or in a pending Proceeding;

“Notice to Participants” means written Notice to Participants which may contain information not provided in a Notice to Public, that is sent to an Entity with Right to Standing or registered Participant:

- a. By personal delivery;
- b. By facsimile (fax), electronic mail, or other reliable electronic means, the use of which has been consented to by the Entity with Right to Standing or Participant; or
- c. By mail or courier, receipt of which shall be deemed to have occurred on the 10th day after posting, unless the Commission is satisfied that the Document was received on a later date;

“Notice to Public” means notices to non-Participants, which may include a press release or announcement in internet-based media, newspaper or periodical, radio, community poster, or other public means; and an announcement by newspaper, radio, community poster, press release, or other public means;

“Nunavummiut” means all residents of Nunavut;

“NuPPAA” means the *Nunavut Planning And Project Assessment Act* (Canada), as may be amended;

“Participant” means an Entity with Right to Standing or an Interested Person who has filed a written Registration as Participant in Form 1 pursuant to rule 8(1) and may receive Notices to Participants and at the discretion of the Commission may be invited to take part in process and procedural steps relating to their specific views, knowledge and interests, including but not limited to making and responding to Motions and information requests and attending Virtual Meetings and other meetings;

“Person” includes an individual, corporation, organization (including a hunters and trappers organization), department, agency, affected land owner, community or municipality, first nation band or government, any Inuit Organization, any institution

Commented [NTI Comm1]: NTI requests that “Rule 21. Public Consultation” in the existing Rules be reinserted in these Rules. The reference to Community Meetings is critical to meeting the requirements of section 11.2.1 of the Nunavut Agreement.

Commented [NTI Comm2]: NTI has noted that the Information Session is helpful, however the ability for communities to provide feedback outside of the hearing process has been omitted or inserted in very general terms under “Part II – Hearings”. Recommendation is to expand the definition of Information Session or add a section specifically on providing more specifics around community meetings/public consultation.

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established under the Agreement, and any unincorporated association that may in the Commission's discretion be recognized as a Person;

"Proceeding" means a matter before the Commission, including Hearings and Public Reviews, as the context requires;

"Proponent" means the Person applying for a positive conformity determination and verification of screening decision from the Commission;

"Public Review" means a review of an Amendment Application or proposed Minor Variance publicly through a written exchange of arguments, comments, Documents and Evidence without a Hearing including the collection and consideration of comments, argument, Documents and Evidence unless the Commission in its discretion decides to hold a Hearing in accordance with Part III of these rules, and is open to the public unless otherwise directed;

"Traditional Knowledge" means Inuit Qaujimagatuqangit and its principles, generally described as first-hand knowledge and values of Inuit society consisting of past, present and future experience obtained from knowledgeable Inuit Elders [and other holders of local or Traditional Knowledge](#) pertaining to language, culture, values and beliefs, survival skills, use of resources, humane and sustainable harvesting, and an understanding of society, ecology and environment.

"Virtual Meeting" means a meeting, or where the context requires, a Hearing, in which the Participants appear before the Commission using conference telephone or some other electronic means that allows Participants to hear one another and communicate orally;

- (3) Wherever the singular or the masculine is used it shall be construed as including the plural or feminine wherever the context so requires.

RULE 4. INTERPRETATION & FLEXIBILITY OF RULES

- (1) Consistent with the broad application of procedural fairness, the Commission shall give these rules such fair, large and liberal construction as best ensures the just, expeditious and fair Hearing of all Proceedings and emphasize flexibility and informality in the conduct of its Proceedings.
- (2) The Commission may on its own initiative or at the request of any Person, whether or not they are a Participant, and with or without a Hearing, lengthen or shorten the time for any action to be taken, make any decisions required consistent with these rules and any directions on procedure and establish any further procedures necessary for the just, expeditious and fair resolution of the issue subject to any conditions the Commission may impose.

RULE 5. DIRECTIONS ON PROCEDURE

- (1) On its own initiative or at the request of a Participant, and with or without a Hearing, the Commission may at any time, either before or after the matter arises, give directions on procedure to supplement, vary or waive the application of these rules, whether generally on a short term basis or pertaining to individual Proceedings subject to these rules.
- (2) Where there is a conflict between any rule and any direction on procedure issued by the Commission, the direction on procedure prevails over the rule.

Commented [NTI Comm3]: Suggest harmonizing these definitions with those used by the Nunavut Impact Review Board.

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- (3) Directions on procedure issued under these rules shall not constitute “rules” as contemplated in the *NuPPAA* and as such do not require a public comment period as set out in that Act.

RULE 6. GOVERNING PRINCIPLES

(1) ~~(1)~~ In all Proceedings, as well as in issuing Directions on Procedure, the Commission shall be principally guided by the general principles set forth in section 11.2.1 of the Agreement.

(2) The Commission and staff shall ensure that all activities undertaken are conducted in a manner that encourages Inuit participation and are respectful of Inuit culture and practices.

RULE 7. NOTICES & REMEDIES

- (1) The Commission shall make reasonable best efforts to notify as many people potentially interested or affected by the Proceeding as possible in Inuktitut, English, and French and may use various methods to distribute Notices to Public to potentially affected Persons having regard for the nature of the Proceeding.
- (2) The Commission may proceed in the absence of any Entity with Right to Standing or Person who does not become a registered Participant or who otherwise fails to participate in the Proceeding or any process step therein.
- (3) Failure of the Commission to give adequate notice, whether Notice to Public or Notice to Participants, does not invalidate a Proceeding if the Person entitled to notice consents, there is no actual prejudice arising out of the failure, or any actual prejudice can be offset by adjourning the Proceeding or extending time limits or through some other means.
- (4) The Commission may, in its discretion, issue Notices to Public and Notices to Participants in other languages and dialects where appropriate, and may amend Notices to Public and Notices to Participants by issuing additional notices, which may include time extensions.

Commented [NTI Comm4]: NTI recommends setting a minimum timeframe for notice. Recommends that the standard timeframe should be 30 days unless indicated otherwise in the Rules.

RULE 8. BECOMING A PARTICIPANT

- (1) A Person wishing to become a Participant must file a written Registration as Participant in Form 1, or by providing the same information required by that Form to Commission staff in writing, in person, or over the telephone.
- (2) The Commission shall maintain a list of registered Participants for each of its Proceedings, including the information listed in rule 8(1) above, in its public registry.
- (3) Filing a written Registration as Participant in Form 1 does not adjourn any Proceedings and the Commission is not required to repeat any step already taken in a Proceeding for the benefit of new Participants.

RULE 9. COMMENTS BY NON-PARTICIPANTS

- (1) At the discretion of the Commissioners, any Elder, Nunavummiut, Person or member of the public not registered as a Participant may file Documents, Evidence, and make comments relating to a Proceeding on or prior to the last day for the submission of public comments set out in a Notice to Public without filing a written Registration as Participant in Form 1.

RULE 10. FILING DOCUMENTS

- (1) Documents to be filed with the Commission may be sent by courier service, ordinary mail, NPC – RFPP (Public Comment Version)

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fax, electronic means or by any other means directed by the Commission, and Documents
may be filed with the Commission by electronic means if:

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- a. the electronic means is compatible with the Commission's information technology, equipment, software and processes; and
 - b. the Commission confirms receipt of the Document.
- (2) Documents are deemed to have been filed with the Commission when received by the Commission, or in the case of electronic means when the Commission confirms receipt, unless it is received after five o'clock pm (17:00) Eastern time, in which case the Document is deemed to have been filed on the next business day.

RULE 11. RECORD OF PROCEEDINGS – GENERAL

- (1) The Commission shall maintain a record of Proceedings including but not limited to notices, filed Documents, Evidence, arguments and transcripts on the Commission's online public registry at the following address: <<http://nunavut.ca/>>
- (2) At the request of any Person who is unable to secure copies from the online public registry, the Commission shall, upon payment of the Commission's reasonable fees in reasonable time, provide the Person with physical copies of any Document on the record. [The Commission shall waive fees for community members and community organizations.](#)
- (3) The record shall be deemed correct as to the veracity of its details unless a Person challenging it can prove that it contains omissions, is inaccurate in some way or has been tampered with.
- (4) Any gap in the record caused by a mechanical or technical dysfunction or error, weather, or other force majeure shall not invalidate the Proceedings or record of the Proceedings.

Commented [NTI Comm5]: NTI requests the NPC provide further information on what is considered a reasonable fee. Is charging fees a general practice of IPGs? NTI recommends that fees be waived for community members and organizations.

Commented [NTI Comm6]: NTI suggests a more plain language wording of this rule, as well as other rules that are phrased in technical language.

RULE 12. DISCLOSURE USING PUBLIC REGISTRY

- (1) The Commission shall post arguments, Documents and Evidence filed in a Proceeding on its online public registry and the posting on the public registry will constitute notice to all Participants.
- (2) The Commission may decline to post material on its public registry, including on the grounds it is confidential, irrelevant to the Proceeding, is frivolous or vexatious, or the potential for harm in making materials public outweighs the public interest. [At a minimum, the Commission shall inform Participants within a reasonable timeframe when the NPC has declined to post their material with a description of the material and the reasons why the NPC declines to post the material.](#)
- (3) Participants who lack Internet access must notify the Commission to make alternative arrangements for filing and accessing arguments, Documents and Evidence on the online public registry, and may be charged reasonable fees for any printing, copying, and delivery services provided by the Commission.
- (4) The Commission may in its discretion extend time limits for Participants requiring delivery of physical copies of Documents.

RULE 13. MOTIONS FOR ORDERS ON RULES & PROCEDURES

- (1) Participants seeking an order relating primarily to rules and procedures shall file a Motion in Form 2 with the Executive Director of the Commission indicating the decision or order sought, providing a brief statement of the facts supporting the Motion and attaching any supporting Documents, and stating why the decision or order should be made.
 - (2) The Commission may deal with the Motion by any means, and may provide a Notice to
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Participants informing them of a Motion, the details of any Hearing or Virtual Meeting or

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other means of dealing with the Motion, and invite Participants to file responses by a specified time.

- (3) A response to a Motion should set out the Participant's support or opposition to the Motion, include a brief statement of facts and attach any supporting Documents, and state why the order should or should not be made.
- (4) During an oral Hearing, a Participant may make a Motion orally and the Commission shall dispose of the Motion as the Commission considers appropriate in the circumstances.

RULE 14. LANGUAGE OF PROCEEDINGS

- (1) The Commission shall arrange for interpretation services in Inuktitut, English, and French at oral Hearings but is not responsible for translating any written arguments, Documents or Evidence prepared or filed by Participants for other Participants.
- (2) Participants may file written arguments, Documents and Evidence in Inuktitut, English, or French.
- (3) Out of respect for Elders and Nunavummiut the Commission encourages all Participants to undertake reasonable best efforts to translate all arguments, Documents and Evidence filed with the Commission, whether in an executive summary or in their entirety.

RULE 15. EVIDENCE

- (1) The Commission may allow the admission of Evidence that would not normally be admissible under the rules of Evidence.
- (2) The Commission can receive material and relevant Evidence in any form that relates to the issues the Commission is considering, whether or not the Commission has specifically listed those issues.
- (3) The Commission encourages the submission of Traditional Knowledge and may elect to solicit comments and Evidence from Elders and other holders of local or Traditional Knowledge at any time during its Proceedings.
- (4) In weighing Evidence, the Commission shall at all times give weighty consideration to traditional Inuit oral communications and decision making, and shall generally consider Traditional Knowledge as equal to scientific information.

RULE 16. MEETINGS OF TECHNICAL & TRADITIONAL KNOWLEDGE EXPERTS

- (1) ~~For the purpose of allowing Participants to resolve ambiguities, gaps, and conflicting interpretations in technical Evidence and Traditional Knowledge in a Proceeding, the Commission may propose hold~~ a meeting of Commission staff and Participants' experts, whether in person or by Virtual Meeting without prejudicing the position they may ultimately take in a Proceeding to allow Participants to clarify technical Evidence and Traditional Knowledge. A meeting of experts is not a Hearing before the Commissioners and is not open to the public unless directed otherwise.

- (2) The Commission shall give Notice to Participants of a proposed meeting under rule 16(1) at least 14 ~~7~~ days before the meeting including the date, time, location, and a proposed agenda and list of invited Participants.

- ~~(2)~~(3) Participants shall respond the invitation under rule 16 (1) as soon as practicable.

RULE 17. INFORMATION SESSIONS AND PARTICIPANT MEETINGS

Commented [NTI Comm7]: NTI recommends that the NPC always consider Traditional Knowledge as equal to scientific information.

Commented [NTI Comm8]: It is the role of the NPC, as opposed to the Participants, to weigh Evidence and resolve land use planning conflicts.

Commented [NTI Comm9]: NTI recommends that 14 days is a more reasonable time frame.

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- (1) Commission staff may conduct Information Sessions whether in person or by Virtual Meeting, prior to or during a Proceeding, and Participants and the public are encouraged

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to discuss the issues and subject matter of the Proceeding with Commission staff and invite staff to answer questions and is open to the public unless otherwise directed but is not a Proceeding.

- (2) Commission staff may conduct procedural meetings, whether in person or by Virtual Meeting, for Participants to discuss any matters of process and procedure for a Proceeding, including identifying the relevant issues to be addressed by the Commission and the methods and timing in which Evidence is to be introduced, by giving a Notice to Participants a reasonable amount of time beforehand, specifying the date, time, place, purpose and Participants invited to take part, but is not a Proceeding and is not open to the public unless directed otherwise. Notice of the procedural meeting and the purpose of the meeting and Participants attending shall be posted on the public registry.
- (3) At any time after issuing an invitation containing details of a proposed meeting with Commission staff including the date, time, location, and a proposed agenda to Participants invited to take part, Commission staff may meet with one or more Participants and their experts, whether in person or by Virtual Meeting, for the purpose of clarifying of soliciting comments, resolving ambiguities, gaps, and conflicting interpretations in arguments, Documents, and Evidence including Traditional Knowledge and technical information without prejudicing the position they may ultimately take in a Proceeding, but is not itself a Proceeding, and is not open to the public unless directed otherwise.
- ~~(3)(4)~~ For further clarity, procedural meetings under RRule 17 are not public consultations or community meetings.

Commented [NTI Comm10]: To promote transparency all Participants should be aware of procedural meetings taking place between a smaller group of Participants. This recommendations is in line with previous NTI submissions.

Commented [NTI Comm11]: See previous comments on a similar recommended deletion.

Commented [NTI Comm12]: "Rule 17" exists twice.

RULE 17. CONFIDENTIALITY

- (1) A Participant or other Person who wishes to keep confidential any information in a Document or Evidence to be filed with the Commission, must, before filing the Document or Evidence, file a Motion with the Commission briefly describing the nature of information to be kept confidential and the specific harm that would result if the information were placed on the public record or not removed from the public record.

RULE 18. NON-COMPLIANCE WITH THE RULES

- (1) Where a Participant has not complied with these rules or a direction on procedure or an order issued by the Commission, the Commission may:
- waive the application of the rule if other Participants are not unduly prejudiced;
 - adjourn the Proceeding until satisfied that the requirement has been complied with; or
 - take such other steps as it considers just and reasonable.
- (2) No Proceeding is invalid by reason only of a defect in form, a technical irregularity or an error of procedure that does not result in a denial of procedural fairness.

PART II. PUBLIC REVIEWS

Part II applies to Amendment Applications and Minor Variances, unless the Commission in its discretion decides to hold a Hearing in accordance with Part III of these rules.

RULE 19. COMMENCEMENT OF PUBLIC REVIEWS

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(1) Where the Commission in its discretion determines that a Public Review of an Amendment Application made, or a Minor Variance is appropriate, the Commission shall:

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- a. post a written Notice to Public of Public Review and Documents relevant to the Public Review in its public registry;
 - b. publish a Notice to Public of Public Review, which may include one or more of a press release or announcement in internet-based media, newspaper or periodical, radio, community poster, or other public means; and
 - c. forward such Notice to Public to Parties entitled to standing, and place such notice in the public registry.
- (2) A Notice to Public of Public Review shall generally contain:
- a. the purpose of the Public Review;
 - b. an invitation to register as a Participant by a certain date, or to provide comments as a member of the public;
 - c. timelines for filing arguments, Documents, and Evidence;
 - d. the date of the closing of the record, which must not be less than 30 days after the date of the Notice to Public; and
 - e. how to obtain more information and the Commission's contact information.
- (3) The Public Review period begins on the date the Commission elects in its sole discretion to hold a Public Review and ends on a date specified by the Commission in a Notice to Public.

RULE 20. PARTIES ENTITLED TO STANDING IN A PUBLIC REVIEW

- (1) The Amendment Applicant or the Proponent seeking a Minor Variance is an Entity with Right to Standing as of right in a Public Review of their application and is exempt from the requirement to submit a Registration as Participant in Form 1.

RULE 21. INFORMATION SESSIONS IN PUBLIC REVIEW

- (1) The Commission may hold an Information Session as part of a Public Review.

RULE 22. WRITTEN QUESTIONS & INFORMATION REQUESTS

- (1) The Commission or a Participant may send an Information Request to an Amendment Applicant or Proponent seeking a Minor Variance asking for such further information or answers as they consider necessary to permit a full and satisfactory understanding of an issue in a Proceeding.
- (2) Within 7 days of an Information Request being made, an Amendment Applicant or Proponent seeking a Minor Variance in receipt of an Information Request shall reply to the Commission and all Participants in writing indicating when it will provide the additional information required, or explain why that information will not be provided.
- (3) If the Commission is of the opinion that the requested information is necessary to permit a full and satisfactory understanding of an issue in a Proceeding, it may take any actions it considers appropriate in the circumstances, including adjourning the Proceeding.

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RULE 23. AMENDMENTS TO APPLICATION MATERIALS

- (1) An Amendment Applicant or a Proponent seeking a Minor Variance may modify or withdraw its application at any time before the closing of the record in a Public Review.
- (2) If an Amendment Applicant or a Proponent seeking a Minor Variance modifies its application, Participants will be provided an opportunity to amend their arguments and file further Documents and Evidence responding to the amendment.
- (3) If a Proponent seeking a Minor Variance makes a modification to its application under rule 23(2) the Public Review shall be adjourned pending the Commission's determination of whether a new conformity determination is required, and if so whether the existing Public Review should be terminated.

RULE 24. ORAL EVIDENCE IN A PUBLIC REVIEW

- (1) Recognizing the tradition of Inuit oral communication and decision making and Traditional Knowledge, the Commission ~~will may in its discretion~~ accept oral comments by Participants, as well as Elders, ~~and may in its discretion accept oral comments by~~ Nunavummiut and other members of the public who are non- Participants, as a component of a written Public Review and, if appropriate, at any time the Commission may elect hold a Hearing as a component of a Public Review in accordance with Part III of these rules. Oral comments received by the Commission will be ~~transcribed and summarized in writing and~~ posted on the public registry.

Commented [NTI Comm13]: This change is required for compliance with section 11.4.17 of the Nunavut Agreement.

RULE 25. CONCLUDING A PUBLIC REVIEW

- (1) The Commission may extend the closing of the record or reopen the record on its own initiative or at the request of a Participant.
- (2) Within the timelines set by the Commission, the Amendment Applicant or Proponent seeking a Minor Variance may respond in writing to any arguments, Documents, and Evidence filed in the Public Review and to any oral or written comments made by non-Participants.
- (3) If the Commission does not hold a Hearing as a component of a Public Review in accordance with Part III of these rules, following completion of a Public Review the Commission may:
 - a. Make a decision in respect of the subject matter of the Public Review in the manner provided by the *NuPPAA* on the basis of the record without a Hearing; or
 - b. Reopen the record to hold such further meetings and Information Sessions, and solicit such further comments, Documents, Evidence, argument and responses as the Commission considers appropriate before disposing of the subject matter of the Public Review.
- (4) After the record in the Public Review is closed the Commissioners may:
 - a. Deliberate at one or more meetings, whether held in camera or in public;
 - b. Give drafting instructions to Commission staff to prepare or amend materials for the Commission's consideration at one or more future Commission meetings, including instructions to amend materials drafted and reviewed at previous meetings; and

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- c. Once a majority of the Commissioners are in agreement with materials prepared by staff, the Commission may by motion approve the material as its decision in the Public Review.

PART III. HEARINGS

Part III applies to all Hearings of a draft land use plan under *NuPPAA*, periodic reviews of a land use plan under the *NuPPAA*, and where the Commission in its discretion decides to hold a Hearing as a component of a Public Review under Part II of these rules.

RULE 26. COMMENCEMENT OF HEARINGS

- (1) Where the Commission conducts a Hearing of a draft land use plan under *NuPPAA*, or elects to hold a Hearing in respect of a periodic review of a land use plan under *NuPPAA* or as a component of a Public Review under Part II of these rules, the Commission shall:
 - a. post a written Notice to Public of Hearing and Documents relevant to the Hearing in its public registry;
 - b. publish a Notice to Public of the Hearing, which may include one or more of a press release or announcement in internet-based media, newspaper or periodical, radio, community poster, or other public means; and
 - c. forward such Notice to Public to any Parties entitled to standing as of right, and place such notice in the public registry.
- (2) A Notice to Public of Hearing shall generally contain:
 - a. the purpose of the Hearing;
 - b. an invitation to register as a Participant by a certain date, or to provide comments as a member of the public;
 - c. timelines for filing a notice of intention to participate orally, arguments, Documents, and Evidence;
 - d. the date, time and location of the Hearing;
 - e. the date of the closing of the record, which must not be less than 30 days after the date of the Notice to Public; and how to obtain more information and the Commission's contact information.
- (3) The Hearing period begins on the date the Commission elects in its sole discretion to hold a Hearing and ends on a date specified by the Commission in the notice of Proceeding.
- (4) An Entity with Right to Standing or Participant must notify the Commission of its intention to participate orally in a Hearing by the date set out in the Notice to Public, if one is provided, to be given an opportunity to speak.

RULE 27. PHYSICAL DOCUMENTS IN HEARINGS

- (1) The Commission is not responsible for providing physical copies of Documents, Evidence, or other written materials at a Hearing.

Commented [NTI Comm14]: As the definition of "Hearing" includes "town hall meetings" but the whole section is mainly describing a "public hearing" setting, the following Rules need to be adjusted or a section added (or reinserted based on the previous version of the Rules) to describe the nature and process of town hall meetings. This gap indeed needs to be addressed as described in the comments on p.4 in relation to the definition of "Information Session" (omission of community meetings)

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- (2) Participants are responsible for bringing Documents, Evidence, and other written materials for their own use, whether in physical or electronic format, and may be required by the Commission to provide physical copies of any Documents they wish to distribute to the Commission, the public and other Participants at the Hearing.

RULE 28. QUESTIONS IN A HEARING

- (1) A Participant may ask any other Participant any relevant question, or ask for such further information as they consider necessary to permit a full and satisfactory understanding of an issue, orally at the Hearing or in writing prior to a Hearing, however Participants may decline to respond to such questions and requests. The Commission shall collect and record all questions raised by Participants and any responses provided.
- (2) Any member of the Commission may invite, but not compel, any Participant to respond to any relevant question, or ask for such further information as they consider necessary to permit a full and satisfactory understanding of an issue, orally during a Hearing or in writing prior to or following a Hearing, including but not limited to explaining any conflicts or inconsistencies in the Evidence
- (3) At the request of a Participant the Chairperson may ask staff to clarify an ambiguity or confirm a fact relevant to the subject matter of the Hearing, however as a general rule Commission staff may decline to respond to comments or questions.

Commented [NTI Comm15]: The Commission should play a proactive role in facilitating the collection of questions from Participants and response, ideally during the hearing, but if necessary, after the hearing.

Commented [NTI Comm16]: NTI recommends deleting all references to Participants explaining any conflicts or inconsistencies as it is the nature of land use planning that there will be varying views and evidence. It is the responsibility of NPC to weigh the evidence and any perceived inconsistencies.

RULE 29. COMMISSION'S AUTHORITY OVER HEARING

- (1) Role of Commissioners
- ~~(1)(2)~~ In advance of the Hearing, the Commission may determine the order and time limits for oral submissions by any or all Participants and non-Participants at a Hearing and the Commission shall inform Participants of the order and time limits for oral submissions.
- ~~(2)(3)~~ The Commission may give oral or written directions on procedure for the conduct of the Hearing, before or at the Hearing.
- ~~(3)(4)~~ The Commission may adjourn a Hearing from time to time, and may for any reason reopen a Hearing upon reasonable Notice to Participants for the purpose of receiving further arguments, Documents and Evidence.
- ~~(4)(5)~~ The Commission may authorize one or more Commissioners to hold Hearings for the purpose of receiving arguments, Documents and Evidence from Participants, and comments from non-Participants, when a quorum is not present.

Commented [NTI Comm17]: Add a rule on the roles and responsibilities of Commissioners, particularly their role in maintaining a welcoming environment and undertaking their work in a neutral and objective way.

In addition, add specifics on the scope of decision-making of regular Commissioners versus Makivik nominees in addressing Areas of Equal Use and Occupancy.

RULE 30. CONCLUDING A HEARING

- (1) The Commission may extend the closing of the record or reopen the record on its own initiative or at the request of a Participant.
- (2) Following the completion of a Hearing and while the record is open the Commission may:
 - a. Make a decision in respect of the subject matter of the Hearing in the manner provided by the NuPPAA; or
 - b. Reopen the record to hold such further meetings and Information Sessions, and solicit such further comments, Documents, Evidence, argument and responses as the Commission considers appropriate before disposing of the subject matter of the Hearing.

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- (3) After the record in the Hearing is closed the Commissioners may:
- a. Deliberate at one or more meetings, whether held in camera or in public;

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- b. Give drafting instructions to Commission staff to prepare or amend materials for the Commission's consideration at one or more future Commission meetings, including instructions to amend materials drafted and reviewed at previous meetings; and
- c. Once a majority of the Commissioners are in agreement with materials prepared by staff, the Commission may by motion approve the material as its decision in the Hearing.

PART IV. TRANSITION AND PUBLICATION OF RULES

RULE 31. TRANSITION & RETROSPECTIVE EFFECT

- (1) These rules of procedure shall apply immediately to all new Proceedings and retrospectively to any ongoing Proceedings before the Commission commenced under the former Rules of Procedure for Public Hearings and Public Reviews, as amended.
- (2) Any Participant to a Proceeding commenced under the former Rules of Procedure for Public Hearings and Public Reviews, as amended, shall be deemed to continue as a Participant under these rules.

RULE 32. PUBLICATION OF THESE RULES

- (1) These rules and any amendments thereto shall be made available to the public at any office of the Commission and published on the Commission's online public registry within a reasonable time after they are made and notice thereof shall be given as required under the *NuPPAA*.

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PART V. FORMS

FORM 1 - REGISTRATION AS PARTICIPANT

Form 1

NPC FILE NO. _____

SUBJECT MATTER: _____

(name or description)

REGISTRATION AS PARTICIPANT

DATE OF PUBLIC NOTICE _____

1. I, *(please print name)*: _____ completing this form to register as a Participant in the above-noted Proceeding:
- a. for myself
 - b. as a representative of a single Person; or
 - c. on behalf of a group, association, or coalition of Persons.

If acting as a representative for another Person, or for a group, association, or coalition, please identify the Person (or Persons) you are representing:

2. I intend to participate in the above-noted Proceeding *(check any that apply)*
- a. In writing;
 - b. Orally if a Hearing is held.

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3. I request an opportunity to make oral comments

- a. Yes
- b. No

4. I intend to participate in the following language (*check any that apply*)

- a. Inuktitut (please specify dialect): _____
- b. English
- c. French

5. My contact information, or the contact information of my representative is (*note this information will be made public*):

- a. Address for electronic delivery of Notices to Participants and other materials (e.g. via electronic mail, fax):

(By providing this address you consent to receive all communications electronically.)

- b. Address for physical delivery of Notices to Participants and other materials (e.g. via mail or courier):

(By providing this address you consent to receive all communications physically and agree to pay the Commission reasonable fees for providing physical copies.)

Signed: _____
[Print Name & Name of Participant if different from person completing form]

Date: _____

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FORM 2 - MOTION

Form 2

NPC FILE NO. _____

SUBJECT MATTER: _____

(name or description)

MOTION

DATE OF PUBLIC NOTICE _____

MOTION IN A PROCEEDING BEFORE THE NUNAVUT PLANNING COMMISSION

A. Decision or order sought:

- 1) *[briefly explain what you are asking for]*
- 2)

B. Statement of the facts supporting the Motion

- 1) *[briefly summarize why you are filing the Motion]*
- 2)

C. List of documents attached to this Motion

- 1) *[provide title, date, or brief description to identify attached document]*
- 2)

D. Argument

- 1) *[briefly state why the decision or order should be made]*
- 2)

Signed: _____

[Print Name & Name of Participant if different from person completing form]

Date: _____