SECTION 3

Eligibility

3.1 Definitions

For the purposes of this Section, the following words and terms shall be defined as follows:

3.1.1 "Cree community" is a group consisting of all members of a Cree band, within the meaning of the Indian Act, in the Territory, as well as all other persons who are entitled to be enrolled as beneficiaries hereunder who are recognized by such band as belonging to such group. From the coming into force of Complementary Agreement No. 22, "Cree community" also includes the Crees of Oujé-Bougoumou.

JNBQA, par. 3.1.1
Compl. A. no. 22, sch. 2, s. 1

3.1.2 *(Paragraph deleted)*.

JBNQA, par. 3.1.2
A. corr.
Compl. A. no. 18, sch. 1, s. 4

3.1.3 "Indian Act" is an Act respecting Indians, 1970, R.S.C., c. I-6 as amended.

3.1.4 "Minor" is an unmarried male or female person who has not yet attained the age of eighteen (18).

3.1.5 "recognition by a community" includes, in the case of the Crees, a resolution approved by a majority of the members of the band council.

JBNQA, par. 3.1.5
Compl. A. no. 18, sch. 1, s. 5

3.1.6 "adoption" is the adoption of a child who has not reached the age of majority at the time of the adoption, which adoption was effected pursuant to the laws relating to adoption in any of the provinces of Canada or pursuant to the customs of the Native people in the Territory.

3.1.7 "Secretary General" is the secretary general of the Registre de la Population du Québec.

3.1.8 "Dependent beneficiary" is a person mentioned in paragraphs 3.2.1 to 3.2.3 inclusive and who is:

a) the Consort of a person mentioned in paragraphs 3.2.1 to 3.2.3 inclusive, residing permanently with that person, or

b) the unmarried child, whatever his or her filiation and taking into account established Cree custom, who depends for his or her support upon a person mentioned in paragraphs 3.2.1 to 3.2.3 inclusive for the greater part of the year and who:

i) is less than eighteen (18) years of age; or

ii) is eighteen (18) years of age or older and is attending on a full time basis an educational institution in the regular stream; or

iii) 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.

JBNQA, subs. 3.1
A. corr.
Compl. A. no. 29, s. 1

3.1.9 "Consorts" shall mean: two persons of the opposite sex or of the same sex who, in conformity with applicable laws or Cree customs (as the case may be), are married, in a civil union or live together in a *de facto* union.

Compl. A. no. 29, s. 1

3.2 Eligibility

3.2.1 A person shall be entitled to be enrolled as a beneficiary under the Agreement and be entitled to benefit therefrom if on November 15, 1974, he or she was:

a) under the Indian Act, a member or a person entitled to be a member of one of the eight Cree Indian bands of Québec, now designated as Waswanipi, Mistassini, Old Factory, Fort George, Eastmain, Rupert House, Nemaska and Great Whale River , or

b) a person of Cree ancestry ordinarily resident in the Territory, or

c) a person of Cree or Indian ancestry who is recognized by one of the Cree communities as having been on such date a member thereof, or

d) the adopted child of a person mentioned in sub-paragraphs a), b) or c).

3.2.2 On or after November 16, 1974, a person is entitled to be enrolled as a beneficiary under the Agreement and entitled to benefit therefrom as a member of one of the Cree communities if he or she is:

a) a person who is a legitimate or illegitimate descendant in the male or female line of a person entitled to be enrolled pursuant to paragraphs 3.2.1 or 3.2.3;

b) the adopted child of a person described in paragraph 3.2.1 or sub-paragraph 3.2.2 a) provided such child is a minor at the time of the adoption.

3.2.3 After six months following the posting of the official lists referred to in sub-paragraph 3.3.6 b), a Cree community may, from time to time, at its discretion, direct the Secretary General to enroll as a beneficiary under the Agreement and as a person entitled to benefit therefrom a person who is of Cree ancestry provided such person:

a) was born in the Territory, or

b) is ordinarily resident in the Territory, and

c) he or she would have been entitled to be enrolled with his or her descendants pursuant to paragraphs 3.2.1 or 3.2.2 but through inadvertence or otherwise, was omitted from the official lists of beneficiaries prepared in accordance with paragraph 3.3.6.

The provisions of this paragraph shall not prevent any person omitted from the official lists of beneficiaries prepared in accordance with paragraph 3.3.6 from exercising his right to appeal pursuant to Sub-section 3.4.

JBNQA, par. 3.2.3
A. corr.

3.2.4 *(Paragraph deleted)*.

JBNQA, par. 3.2.4
Compl. A. no. 18, sch. 1, s. 6

3.2.5 *(Paragraph deleted)*.

JBNQA, par. 3.2.5
Compl. A. no. 18, sch. 1, s. 6

3.2.6 *(Paragraph deleted)*.

JBNQA, par. 3.2.6
A. corr.
compl. A. no. 18, sch. 1, s. 6

3.2.7 In the event a person mentioned in paragraphs 3.2.1 to 3.2.3 inclusive of this Sub-Section is absent from the Territory during ten continuous years and is domiciled outside the Territory, such person shall not be entitled to exercise his rights or receive benefits under the Agreement. Upon such person re-establishing his domicile in the Territory, the right of such person to exercise his rights or to receive benefits under the Agreement shall revive.

JBNQA, par. 3.2.7
A. corr.
Compl. A. no. 18, sch. 1, s. 7

3.2.7A Notwithstanding paragraph 3.2.7, a person mentioned in paragraphs 3.2.1 to 3.2.3 inclusive of this Sub-Section is deemed to be domiciled in, and not absent from, the Territory if he or she left, or was relocated outside, the Territory for one of the following reasons and as long as one of these reasons applies:

a) the receipt of health care or educational services not offered in the Territory; or

b) work on behalf of an organization whose mandate is to promote the welfare of the Cree.

Dependent beneficiaries who accompany the beneficiary referred to in this paragraph are deemed to be domiciled in, and not absent from, the Territory during the same period.

Compl. A. no. 29, s. 2

3.2.8 A person who is entitled to be enrolled on both the Cree and Inuit lists, in accordance with the criteria set out in paragraphs 3.2.1 or 3.2.4 shall on or before a day fixed by the Enrollment Commission declare, the list on which he or she wishes to be enrolled, and failing to so declare the Enrollment Commission shall decide the list on which that person shall be enrolled.

JBNQA, par. 3.2.8
A. corr.

3.2.9 Without restricting the generality of the foregoing and notwithstanding any other provision in this Section, a person shall not be enrolled on more than one list. Upon attaining the age of majority, a person entitled to be enrolled on both the Cree and Inuit lists shall notify the Secretary General as to the list on which he or she wishes to be enrolled, and failing to do so, the Secretary General shall decide the list on which that person shall be enrolled.

3.3 Enrollment

3.3.1 Upon the execution of the Agreement, each Cree and Inuit community shall establish a Local Enrollment Committee comprised of three (3) resident members nominated by the council of the respective Cree band or Inuit community corporation and appointed by the Enrollment Commission. The Local Enrollment Committee shall cease to exist simultaneously with the cessation of the Enrollment Commission pursuant to paragraph 3.3.10.

3.3.2 A Local Enrollment Committee shall have the following duties and functions:

a) to publicize and provide information in respect of the enrollment process to members of the Cree and Inuit communities;

b) to supply application forms to any person wishing to apply for enrollment;

c) to receive completed applications for enrollment;

d) to prepare a list of all persons who in its opinion are entitled to be enrolled in accordance with the criteria set out in paragraphs 3.2.1 to 3.2.9 inclusive;

e) to certify and to forward the list to the Enrollment Commission on or before the date fixed by the latter;

f) to prepare a list of the names of all applicants who have been refused enrollment and forward that list together with all relevant information and documentation to the Enrollment Commission;

g) to forward to the Enrollment Commission applications which in its opinion should be considered by another Local Enrollment Committee.

3.3.3 Upon the execution of the Agreement, an Enrollment Commission shall be established comprised of:

a) a person appointed by the Grand Council of the Crees (of Québec) or its successor;

b) a person appointed by the Northern Quebec Inuit Association;

c) a person appointed by Québec;

d) a person appointed by Canada;

e) a person chosen by the four members mentioned above but in the event that they are unable to agree on a choice, such person shall be appointed by Québec.

3.3.4 A chairman shall be elected by the members from among themselves.

3.3.5 A majority of the members constitutes a quorum of the Commission.

3.3.6

a) The Enrollment Commission shall be responsible for the preparation of the official lists of persons entitled to be enrolled in accordance with the criteria set out in paragraphs 3.2.1, 3.2.4, 3.5.4 and 3.5.5.

b) On or before November 1, 1977, the Enrollment Commission shall publish the official lists and shall forward a copy thereof to the councils, or their successors, of the respective Cree bands and Inuit communities and shall cause a copy thereof to be posted in a place in the community where notices are ordinarily displayed.

3.3.7 The Enrollment Commission shall have the following powers:

a) to determine the place and dates of such meetings as it deems necessary;

b) to fix the date for receiving the lists referred to in paragraph 3.3.2;

c) to establish its own procedures and standards of evidence;

d) to authorize the expenditure of such funds as may be allocated to it for the purpose of carrying out its functions and responsibilities.

3.3.8 The Enrollment Commission shall have the following duties and functions:

a) to assist the Local Enrollment Committees in carrying out their functions and responsibilities;

b) to prepare and provide such information and forms as may be necessary to enable the Local Enrollment Committee to conduct the enrollment;

c) to refer to the appropriate Local Enrollment Committee those applications for enrollment which are submitted directly to the Enrollment Commission by individual applicants and those applications which were made to the inappropriate Local Enrollment Committee;

d) to review the lists of names submitted by the Local Enrollment Committed pursuant to sub-paragraphs 3.3.2 d), e) and f) and add thereto or delete therefrom the names of persons who may or may not be entitled to be enrolled in accordance with the criteria set out in Sub Section 3.2;

e) to prepare, certify, publish and advertise the official lists;

f) to notify the Local Enrollment Committee of the names of all persons who have been added to or deleted from the lists prepared by the Local Enrollment Committee;

g) to notify each applicant whose name has not been put on the official lists and to notify each person whose name has been added to or deleted from the lists submitted by the Local Enrollment Committee and to inform that applicant or person of the reason for the Commission's decision and of his or her right to appeal.

3.3.9 Where it appears to the Enrollment Commission that a Local Enrollment Committed is not able to carry out the duties and functions provided by paragraph 3.3.2 by the date fixed by the Commission, the Commission may exercise any or all of the duties and responsibilities of the Local Enrollment Committed.

3.3.10 Within one month of the publication and posting of the official lists, or of the notifications mentioned in sub-paragraph 3.3.8 g) whichever is the later, the Enrollment Commission shall deposit with the Secretary General and the Minister of Indian Affairs and Northern Development a copy of the official lists, and all its official records and documents shall be deposited with the Secretary General and the said Commission shall thereafter cease to exist.

3.4 Appeals

3.4.1 Within six months after the posting of the official lists of beneficiaries in accordance with sub-paragraph 3.3.6 b) an appeal shall lie to the Quebec Native Appeal board in respect to the ommission, inclusion, exclusion or deletion of the name of a person to or from such lists.

3.4.2 Within six months after the notification by the Secretary General that the name of a person has been added to or deleted from the Cree register by the Secretary General or within six months after the notification by the Secretary General of his refusal to include the name of a person on the Cree register, an appeal shall lie to the Quebec Native Appeal Board in respect thereto.

JBNQA, par. 3.4.2
Compl. A. no. 18, sch. 1, s. 8

3.4.3 Only one appeal may be made to the Quebec Native Appeal Board pursuant to paragraphs 3.4.1 or 3.4.2.

3.4.4 The following persons may appeal to the Quebec Native Appeal Board pursuant to paragraphs 3.4.1 or 3.4.2:

a) a person whose name was omitted from, included in, excluded or deleted from the lists;

b) a person whose name was added to or deleted from the Québec Register;

c) a person whose application was refused by the Secretary General;

d) the Council (or its successor) of one of the Cree bands.

JBNQA, par. 3.4.4
Compl. A. no. 18, sch. 1, s. 9

3.4.5 A Native Appeal Board shall be established by Québec to hear and determine appeals pursuant to paragraphs 3.4.1 to 3.4.4 inclusive. This Board shall be called the “Quebec Native Appeal Board” and shall consist of a judge of the Provincial Court of Québec.

3.4.6 The Minister of Indian Affairs and Northern Development shall be notified by the Secretary General of all appeals under this Sub Section and shall have the right to intervene on his own behalf, or, at the request of the appellant, on the appellant's behalf, in any such appeal presented to the Quebec Native Appeal Board.

JBNQA, par. 3.4.6
A. corr.

3.5 Registration of beneficiaries

3.5.1 A Cree Register shall be maintained by Québec in which shall be recorded the names of the persons entitled to be enrolled in accordance with this Section. The Register shall contain the community lists mentioned in Sub Section 3.5.4.

JBNQA, par. 3.5.1
Compl. A. no. 18, sch. 1, s. 10

3.5.2 The Québec Cree Register shall indicate the date on which each name is added thereto or deleted therefrom.

JBNQA, par. 3.5.2
Compl. A. no. 18, sch. 1, s. 11

3.5.3 The Secretary General may at any time add to or delete from the Register the name of any person who, in accordance with the provisions of this Section, is entitled or not entitled to have his name included in the Register.

JBNQA, par. 3.5.3
Compl. A. no. 18, sch. 1, s. 12

3.5.4

a) A person entitled to be enrolled as a Cree under Sub Section 3.2 hereof shall also be enrolled in a Cree community by enrollment on a Cree community list which shall be established for each community.

b) A person shall not be enrolled in more than one Cree community at a time.

c) A person shall be enrolled in the community in respect of which he or she is presently registered under the Indian Act if he or she is registered as a band member. If he or she is not a band member he or she shall be enrolled in the Cree community in which he or she has been granted affiliation pursuant to sub-paragraphs 3.2.1 b), c), d), paragraph 3.2.2 or paragraph 3.2.3 and failing this, in the Cree community in which one of his or her parents is enrolled. The choice of such Cree community in the latter case shall be at the option of the person having the custody in law or in fact of such person, if minor, or at his option if he or she has attained the age of 18.

d) A person born of parents who are members of two different Cree communities shall be enrolled in his or her father's Cree community. Upon attaining the age of majority, such person shall have the right to be enrolled in either Cree community and shall notify the Secretary General as to the

Cree community in which he or she wishes to be enrolled and, failing to do so, he or she shall remain a member of the father's Cree community.

e) A Cree marrying a member of another Cree community may retain membership in his or her Cree community of origin.

f) A person who is enrolled in one of the Cree communities may be admitted as a member of another Cree community with the consent of the latter Cree community. The decision shall be made by a majority of the members of the community who are present at a community meeting called for said purpose and such decision shall be reported in a council resolution and forwarded to the local registry officer.

g) A qualified Cree person within the community shall be appointed as the local registry officer by Québec.

h) Each local registry officer shall keep and maintain the Cree community list and he shall forthwith notify the Secretary General of all changes in the Cree community list necessitating changes in the Cree Register.

i) Each local registry officer may, in addition, be appointed for the registration of acts of civil status and vital statistics in accordance with the appropriate Québec laws.

j) For greater certainty, from the coming into force of Complementary Agreement No. 22, “Cree community” in sub-paragraph 3.5.4 (a) includes the community of Oujé-Bougoumou.

JBNQA, par. 3.5.4
Compl. A. no. 22, sch. 2, s. 2

3.5.5 *(Paragraph deleted)*.

JBNQA, par. 3.5.5
A. corr.
Compl. A. no. 18, sch. 1, s. 13

3.6 Costs

3.6.1 Canada and Québec shall each pay half of the total amount of expenses incurred for the initial enrollment.

3.7 Amendment

3.7.1 The provisions of this Section may only be amended with the consent of Québec, Canada and the interested Native party.