



SURFACE RIGHTS BOARD

of the

NORTHWEST TERRITORIES

BYLAWS

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1.0 Introduction

1.1 Establishment of the Northwest Territories Surface Rights Board

The Northwest Territories (NWT) Surface Rights Board (SRB) is established pursuant to the *NWT Surface Rights Board Act* (S.N.W.T. 2014, c. 17) and is abbreviated “NWT SRB” in these *Bylaws*.

1.2 NWT SRB and NWT SRB Panels

The NWT SRB shall govern all aspects of the administration of the NWT SRB including NWT SRB Panels.

1.3 Bylaws

1.3.1 Purpose

These *Bylaws* (including the Schedules) as amended or repealed and replaced from time to time have been duly passed by the NWT SRB for the purpose of governing the operation of the NWT SRB in conjunction with the provisions of the *NWT SRB Act*.

1.3.2 Amendment, Repeal and Replacement

The NWT SRB may, by vote carried out in accordance with the provisions of these *Bylaws* amend, repeal or replace any or all of its *Bylaws* from time to time.

1.3.3 Recording and Storage of *Bylaws*

These *Bylaws*, and all subsequent amendments, repeals or replacements thereto shall be recorded in writing and an electronic copy and a paper copy shall be stored in a secure location in the NWT SRB Office and in a secure location off-site from the NWT SRB Office.

2.0 Powers and Functions of the Chairperson

2.1 The Chairperson (or Acting Chairperson) is the chief executive officer of the NWT SRB and exercises the powers and performs the functions set out in the Board’s *Bylaws*, including the following:

- a) Presiding over the conduct of NWT SRB Meetings.
- b) Assigning various NWT SRB related duties to Members and Staff.
- c) Approval of NWT SRB expenditures.
- d) Scheduling NWT SRB meetings.

- 2.2 The Chairperson is authorized to designate individuals who are authorized to certify copies of documents issued by the NWT SRB.

3.0 Members and Alternate Members

3.1 Ordinary Course of Business of the NWT SRB

- 3.1.1 If in the ordinary course of its business (not a Hearing) a member of the NWT SRB is absent or incapacitated or if their office is vacant, upon the direction of the Chairperson or Acting Chairperson an alternate member shall perform the functions normally performed by that member as a member of the NWT SRB.
- 3.1.2 If in the ordinary course of its business (not a Hearing) the services of an alternate member of the NWT SRB is required, upon the direction of the Chairperson or Acting Chairperson an alternate member shall perform the functions required as a member of the NWT SRB.
- 3.1.3 If the services of an alternate member of the NWT SRB are required pursuant to By-law 3.1.1 or 3.1.2 herein, at and/or following an NWT SRB meeting, the following shall be read into the record of that meeting:

“Pursuant to the authority of section 10 of the Northwest Territories Surface Rights Board Act and section 3.0 of the Northwest Territories Surface Rights Board Bylaws, the Chairperson of the Northwest Territories Surface Rights Board duly appoints _____ as a Regular Member of the Northwest Territories Surface Rights Board as of the date of this meeting for a period until the commencement of the next meeting of the Northwest Territories Surface Rights Board.”

3.2 NWT SRB Panels for Hearings and Other Proceedings

- 3.2.1 Membership of NWT SRB Panels for Hearings and other proceedings shall be appointed by the NWT SRB Chairperson, or in the absence of the Chairperson, by the Acting Chairperson.
- 3.2.2 In the event that a Member appointed to a NWT SRB panel is unable to perform the required duties after a Hearing has commenced, the NWT SRB Chairperson shall consult with the Parties to the Hearing and determine whether the Parties consent to a Hearing by one remaining Member of the Panel as appointed by the NWT SRB Chairperson or Acting Chairperson.

4.0 NWT SRB Document Management

- 4.1 All NWT SRB documents, whether in electronic or paper format, shall be stored in a secure location in the NWT SRB Office and electronic documents in a secure location off-site from the NWT SRB Office.

5.0 Rules of Order for Meetings

- 5.1 The NWT SRB *Bylaws* may be amended or repealed by a majority vote of NWT SRB Members at a duly constituted meeting of the NWT SRB.
- 5.2 A quorum of the NWT SRB shall consist of a minimum of 3 Members (including the Chairperson or Acting Chairperson).
- 5.3 NWT SRB meetings shall use *Roberts Rules of Order* (most recent ed.) as a guideline with respect to all procedural matters except amendment or repeal of these *Bylaws*.

6.0 Negotiation and Consultation

- 6.1 The NWT SRB shall, in all of its undertakings and activities, be cognizant of and compliant with, all legal requirements for negotiation and consultation, which without limiting the generality of the foregoing shall include negotiation and consultation requirements as set out in the Northwest Territories Surface Rights Board Act (S.N.W.T. 2014, c. 17 as am.) and as set out in section 35 of the Constitution Act, 1982 (Schedule B to the Canada Act 1982 (UK), and all applicable judicial consideration thereto.