

TERRITORIAL PARKS ACT

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TERRITORIAL PARKS REGULATIONS, amendment

The Commissioner, on the recommendation of the Minister, under section 15 of the *Territorial Parks Act* and every enabling power, makes the following regulations:

1. The *Territorial Parks Regulations, R.R.N.W.T. 1990, c. T-13, as duplicated for Nunavut, are amended by these regulations.*

2. The following is added after section 3:

Firearms

3.1 “Firearm” for the purposes of sections 3.2, 3.3 and 3.4 includes a gun that fires missiles by means of explosives, compressed air or springs, but does not include a bow or explosive device.

3.2 In a territorial park, the following persons may possess and discharge firearms without a permit:

- (a) an Inuk engaged in hunting for food;
- (b) a person appointed as a wildlife officer under the *Wildlife Act*;
- (c) a park officer or authorized park employee; or
- (d) a peace officer acting in the course of his or her duties.

3.3 (1) The Superintendent may issue permits for the possession and use of firearms in a territorial park.

(2) A person applying for a permit must:

- (a) have a valid licence to possess a firearm under the *Firearms Act* (Canada);
- (b) propose to engage in an activity in the park
 - (i) for which a permit has been granted, or
 - (ii) which is authorized, pursuant to the *Territorial Parks Act* or other applicable legislation; and
- (c) be
 - (i) licensed outfitter or employee of a licensed outfitter,
 - (ii) a guide,
 - (iii) a person intending to visit a park, or
 - (iv) a researcher.

(3) In deciding whether to issue a permit under subsection (1), the Superintendent shall consider all relevant factors, including but not limited to:

- (a) the qualifications and experience of the applicant;

- (b) the nature and inherent dangers of the proposed activity;
- (c) the location in which the proposed activity will take place;
- (d) the type and calibre of firearm proposed to be carried; and
- (e) any other factors related to the safety of persons and property in the park.

(4) A person who is granted a permit to possess and use a firearm in a territorial park may discharge the firearm with the intent to frighten or drive away wildlife only where it is necessary

- (a) to preserve his or her life;
- (b) to preserve the life of another person;
- (c) to protect his or her property; or
- (d) to protect another person's property.

(5) A person who is granted a permit to possess and use a firearm in a territorial park may discharge the firearm with intent to kill wildlife only where it is necessary

- (a) to preserve his or her life; or
- (b) to preserve the life of another person.

(6) A person who discharges a firearm in a park for any reason must, as soon as possible, provide a report to the Superintendent in a form and with content acceptable to the Superintendent.

(7) The Superintendent may, in his or her sole discretion, waive the requirement to obtain a permit to possess and use a firearm in a territorial park with respect to

- (a) an area or areas designated by the Superintendent,
- (b) a period of time, or
- (c) a class of activities.

(8) Subsections (4), (5) and (6) apply, with modifications as necessary, to a person carrying firearms in a territorial park under a Superintendent's waiver.

(9) A Superintendent's waiver may contain any conditions, qualifications and limitations the Superintendent considers necessary.

(10) Nothing in this section shall detract from the rights of Inuit or other aboriginal groups as established by the Nunavut Land Claims Agreement or other applicable aboriginal land claim settlements.

3.4 A person may carry and use without a permit bear deterrent devices such as cracker shells that are designed to frighten but not injure wildlife, unless the devices are intended to be discharged from a firearm.

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