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OUR FILE

118206-002-TCL

April 9, 2021

Nunavut Impact Review Board

**Attention: Marjorie (Kaviq) Kaluraq, Chairperson and Karen Costello, Executive Director**

PO Box 1360

Cambridge Bay, NU

X0B 0C0

Dear Madams:

Re: **Recording and Rebroadcast of the Audio/Video feed of the reconvened Public Hearing of for the Mary River Project "Phase 2 Development Proposal" (the "Project") (commencing April 12, 2021) (the "April Hearing")**

Thank you for your letter of April 6, 2021 in response to our letter of March 23, 2021. NITV is disappointed that the NIRB has decided to uphold its decision to prohibit unedited rebroadcast of the hearings held in January and February, and is deeply concerned that many Inuit will not have the opportunity to inform themselves about the hearing. However, NITV remains committed to assisting members of the Inuit community and the public in exercising their right to freedom of expression, which includes the right to be fully informed about proceedings that may affect them.

Although the NIRB notes that the general principles expressed in the NIRB's February 24 and April 6 letters relating to media access are consistent with and simply formalize the NIRB's past practise, NITV feels compelled to highlight that in fact, the stated principles are a significant departure from the collaborative and transparent approach to access to proceedings that the NIRB has practised for the past eight years.

Since the commencement of the application and hearing process for the Baffinland projects, Isuma TV has broadcast, and rebroadcast, many NIRB proceedings with the support of the NIRB. These recordings have been live-streamed online and on radio, rebroadcast on demand online and at scheduled times on radio, and have been included in documentaries investigating the impacts of the Mary River mine on Inuit. Each of these projects have been celebrated by the community and viewed as a positive step in providing meaningful access to information about issues and projects impacting the community.

The media undertaking and agreement required by the NIRB for any media applying to film or record proceedings listed at pages 6-7 of your letter are similarly inconsistent with the NIRB's

past relationship with the Inuit media and its standard practise of openness, transparency, and access. NITV notes that these onerous and restrictive parameters are now, for the first time, being imposed on all media as a precondition to livestreaming NIRB proceedings, which the media carries out for the benefit of the public who cannot attend and to further NIRB's objective of community consultation and engagement. These requirements are at odds with NIRB and NITV's past relationship and mutual commitment to promoting awareness, transparency and openness to the public and in the Inuit community.

We also note that the NIRB has drawn many parallels to policies and procedures regarding media access to formal court proceedings in Canada, heard by judges and justices in Canadian courthouses. While NITV agrees that as an administrative tribunal, NIRB has the ability to control its own processes including imposing guidelines on media access and broadcast, the NIRB fulfills a very different function than Canadian courts. NIRB is charged with gathering a wide array of information from various stakeholders, consulting with Inuit communities and other impacted groups, and making recommendations to the Minister that may impact each and every member of the public living in or connected to the project area. It is difficult to think of a case in the Canadian justice system that impacts the rights and engages the interests of the public in the same direct and tangible manner as in proceedings heard by the NIRB. These proceedings are akin to a hearing of a Commission of Inquiry, proceedings which are routinely broadcast (and re-broadcast) to fulfill the important objective of providing the public, who are the beneficiaries of the inquiry, with information gathered through a complete investigation into a particular issue.

NITV remains committed to facilitating community access to NIRB proceedings and therefore requests permission to livestream the April hearings on Uvagut TV on television and Isuma TV online. NITV also requests advance permission to rebroadcast unedited April Hearing footage on Uvagut TV and on Isuma TV so that community members have the opportunity to view the hearings at a convenient time, having regard to the work, school, childcare and other commitments of many community members. With respect to the privacy concerns stated in NIRB's February 24 and April 6 letters, NITV suggests that these issues could be addressed in the same manner as in prior proceedings where Isuma TV was granted permission to broadcast and record the hearings for future use. If NIRB grants NITV advance permission to rebroadcast, NITV will adhere to the other conditions listed on page 6 and 7 of your April 7<sup>th</sup> letter.

We look forward to receiving NIRB's decision on NITV's application to livestream and rebroadcast the April Hearing. Should you have any questions, do not hesitate to contact the writer.

Yours truly,

**REYNOLDS MIRTH RICHARDS & FARMER LLP**

PER:

TESS C. LAYTON

TCL/kcc