



NEWS RELEASE

NIRB File No.: 08MN053

NIRB Issues Decision on Motion by NITV to Film, Rebroadcast and Make Available for Download the Board's Previous and Upcoming Public Hearing Proceedings for the Mary River Phase 2 Proposal

CAMBRIDGE BAY, NU – October 6, 2021 – The Nunavut Impact Review Board's (NIRB or Board) decision-making Panel for the Board's on-going assessment for the Mary River Phase 2 Proposal released correspondence explaining the Panel's decision regarding a Motion by Nunavut Independent Television (NITV) seeking the Board's permission to:

- Film, broadcast live on UvagutTV and rebroadcast the Board's upcoming Public Hearing proceedings (scheduled for November 1-6, 2021);
- Rebroadcast NITV's recordings of the Board's previous Public Hearing proceedings for the file (November 2019 and January-February 2021) on UvagutTV; and
- Make NITV's recordings of the Board's previous Public Hearing proceedings and upcoming Public Hearing proceedings on their website and available for on-demand viewing.

The Panel has granted NITV access to the NIRB's audio and video feed of the Board's upcoming Public Hearing proceedings and grants NITV permission to broadcast the NIRB's audio and video feed live on UvagutTV if NITV chooses to do so. However, NITV (the same as all media and parties accessing the Board's live audio and video feed) is prohibited from recording or rebroadcasting the images, video or audio from the upcoming Public Hearing proceedings in any form. The Panel has also denied NITV's request to rebroadcast or make available on their website all recordings of the Board's previous Public Hearing proceedings for the file.

The Panel's decision is based on previous guidance given to NITV and other media on February 24, 2021, April 6, 2021 and April 10, 2021 but also specifically addresses a few key points presented in NITV's Motion and associated argument, highlighting that:

- The NIRB is granting NITV the same access to the NIRB's live audio and video feed of the upcoming Public Hearing proceedings as all other media who request it—this is not a media ban and does not limit NITV's ability to describe, analyse or comment on the Board's Public Hearing proceedings;

- Courts across Canada and tribunals similar to the NIRB have adopted prohibitions on “cameras in the court/hearing room”, including standard prohibitions on recording on-line proceedings, such as those conducted on Zoom;
- Limits on making and rebroadcasting recordings of court/hearing proceedings have been upheld as constitutional, and are recognized as reasonable limits necessary to ensure the fairness, dignity, integrity and privacy of participants in proceedings; and
- The Panel has significant concerns about the impact on the privacy rights of participants arising from unlimited rebroadcasts and on-demand access to Public Hearing proceedings, and NITV’s proposed Protocol does not address these substantive concerns.

The Panel also takes issue with the suggestion that the Board’s limits on filming and rebroadcasting the Board’s proceedings mean the Panel is conducting these Public Hearings in secret, in a manner that is unaccountable or that doesn’t meet the Board’s obligations under the *Nunavut Agreement* to Inuit, Nunavummiut or Canadians in general. To date, the Board’s assessment of the Phase 2 Proposal has provided the highest level of on-line access to the Board’s live proceedings in the Board’s history. Hundreds of individuals have connected to the Board’s live audio and video links during the prior Public Hearing sessions. The Public Hearing proceedings conducted in January-February 2021 were also carried live by NITV on UvaguTV (the Board thanks NITV for providing this additional platform for broadened access to the live proceedings). In-person participation during the Public Hearing proceedings for the file has also been unprecedented, involving approximately 35 days of in-person meetings to date, with interested members of the public and media in attendance both in-person and on-line throughout, and the participation of 22 regulatory and community-based intervenors, and the attendance of 25-40 community representatives from the potentially affected North Baffin communities during the Pre-Hearing Conference and Public Hearing proceedings. Access to the thousands of documents filed by participants during the Board’s assessment and the official transcripts of the prior Public Hearing proceedings is provided on the Public Hearing registry for the file. In terms of media access specifically, the Board has provided access to the Board’s audio/video feed to a variety of national and territorial media outlets, and the Public Hearing proceedings have been the direct subject of many territorial and national media accounts. The suggestion that the Panel is conducting this assessment under a “cloud of secrecy”, or in a manner that is biased or not transparent is inaccurate.

Sincerely,



Kaviq Kaluraq
Chairperson
Nunavut Impact Review Board

For more information, the media may contact:

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