

**LEGISLATIVE ASSEMBLY OF THE  
NORTHWEST TERRITORIES  
6<sup>TH</sup> COUNCIL, 40<sup>TH</sup> SESSION**

**TABLED DOCUMENT NO. 7-40**

**TABLED ON OCTOBER 7, 1969**

NORTHWEST TERRITORIES

AN ORDINANCE RELATING TO HISTORIC SITES,  
MUSEUMS, ARTIFACTS AND DOCUMENTS

1. This Ordinance may be cited as the Historic Sites, Museums, and Documents Ordinance - date -
2. In this Ordinance
  - (a) "historic sites" means an archaeological site or work of archaeological, ethnological or historical importance, interest or significance, or a place where an archaeological specimen is found and includes explorers' cairns.
  - (b) "museums" means the Northwest Territories museums established by this Ordinance.
  - (c) "artifacts and documents" means an object or specimen of archaeological, ethnological or historical importance, interest or significance and includes explorers' documents. It also includes documents issued under the Northwest Territories Government such as legal documents, vouchers, accounting records, correspondence, maps, drawings, photographs, reports, pamphlets, publications and all other documents and records whether of the foregoing kind or not, created in the administration of the Public Service of the Northwest Territories.
  - (d) "committee" means the N.W.T. Permanent Committee on Historic Sites, Museums, Artifacts and Documents, known by the abbreviated version as the N.W.T. Historical Standing Committee.
  - (e) "chairman" means the Chairman of the Committee.
  - (f) "department" means a department of the Government of the Northwest Territories or any commission, board, bureau or other branch of the public service of the Northwest Territories.

- (k) The Commissioner may by order apply the provisions of the Territorial Public Service to any employee engaged under this section.
- (l) The salaries of any officers, clerks or other employees appointed under this section shall be paid from monies voted annually by the legislature for this purpose.
- (m) The committee shall elect from among themselves a Vice-Chairman who shall hold office at the discretion of the Commissioner.
- (n) If the office of Chairman or Vice-Chairman becomes vacant before the term of office expires, the Commissioner or the members of the committee as the case may be shall appoint or elect from among themselves a person to fill the vacant office for the unexpired part of the term.
- (o) The chairman shall preside at all meetings of the committee at which he is present and may exercise the powers and shall perform the duties of the chairman.
- (p) In the absence of the chairman, the vice-chairman shall preside at all meetings of the committee at which he is present and may exercise the powers and shall perform the duties of the chairman when for any reason the chairman cannot exercise those powers or perform those duties.
- (q) In the absence of the chairman and the vice-chairman from the meeting, the committee may elect a temporary chairman to preside at the meeting.
- (r) A public servant of the Territorial Government is the Secretary to the committee.
- (s) The secretary shall keep a record of all proceedings of the Committee, conduct correspondence and perform such other duties on behalf of the committee as the committee may direct.

PART I

N.W.T. HISTORICAL STANDING COMMITTEE

3. (a) At the 38th Session of the Northwest Territories Council held in Yellowknife on January 14, 1969, the Commissioner announced the establishment of the N.W.T. Historical Standing Committee.
- (b) The head office of the committee is at Yellowknife, N.W.T.
- (c) The committee shall consist of not less than five and not more than nine members, appointments to be made by the Commissioner.
- (d) Members other than the chairman, whose appointment is for a term of ten years, hold office at the pleasure of the Commissioner,
- (e) When a vacancy occurs amongst members, the Commissioner may appoint a person to fill the vacancy for any period he may so designate.
- (f) The Committee has no particular powers but is an advisory body to the Commissioner of the Northwest Territories on matters pertaining to the rich history of the Northwest Territories.
- (g) Subject to this section the members shall serve without pay or other emolument.
- (h) The Commissioner may reimburse a member for any reasonable and actual out-of-pocket expenses that he incurs in attending meetings of the committee.
- (i) If the committee by resolution and with the consent of the Commissioner instructs a member to do any work involving expenses, the Commissioner may pay any reasonable and actual out-of-pocket expenses that the member incurs in doing that work.
- (j) The Territorial Government may appoint such officers, clerks and other employees as are necessary to enable the committee to exercise the powers and perform the duties assigned to it from time to time by the Territorial Government, i.e. the Permanent Secretary to the N.W.T. Historical Standing Committee.

- (k) The Commissioner may by order apply the provisions of the Territorial Public Service to any employee engaged under this section.
- (l) The salaries of any officers, clerks or other employees appointed under this section shall be paid from monies voted annually by the legislature for this purpose.
- (m) The committee shall elect from among themselves a Vice-Chairman who shall hold office at the discretion of the Commissioner.
- (n) If the office of Chairman or Vice-Chairman becomes vacant before the term of office expires, the Commissioner or the members of the committee as the case may be shall appoint or elect from among themselves a person to fill the vacant office for the unexpired part of the term.
- (o) The chairman shall preside at all meetings of the committee at which he is present and may exercise the powers and shall perform the duties of the chairman.
- (p) In the absence of the chairman, the vice-chairman shall preside at all meetings of the committee at which he is present and may exercise the powers and shall perform the duties of the chairman when for any reason the chairman cannot exercise those powers or perform those duties.
- (q) In the absence of the chairman and the vice-chairman from the meeting, the committee may elect a temporary chairman to preside at the meeting.
- (r) A public servant of the Territorial Government is the Secretary to the committee.
- (s) The secretary shall keep a record of all proceedings of the Committee, conduct correspondence and perform such other duties on behalf of the committee as the committee may direct.

- (t) The committee shall meet at such times and places as the chairman appoints and the chairman shall appoint a time and place for a meeting on the request of three members or the Commissioner.
  - (u) Four members are a quorum for meetings of the committee.
  - (v) At a meeting of the committee each member including the chairman of the committee has a vote and where there is a tie vote the chairman of the meetings has a second vote.
  - (w) The committee shall exercise the powers and perform the duties prescribed by the Ordinance or assigned to it from time to time by order of the Commissioner and the Northwest Territories Council.
  - (x) The committee may, as it deems necessary for the better carrying out of the true intent or purpose of this Ordinance, delegate any of its powers to or require the performance of any of its duties by any of the officers, clerks or employees appointed under (j) of this section.
4. The committee may
- (a) accept for its corporate use gifts or bequests of money and other things which are suitable for its purposes;
  - (b) procure by gift, donation, devise, bequest or loan wherever possible or, subject to this Ordinance, by purchase where necessary and desirable, any historic objects, structures, erections, monuments, historic sites, relics, artifacts, models, paintings, documents, books, papers, records, maps, drawings, or other devices, goods, chattels, materials, articles or things which are considered to be of historical value and importance to or connected with the archaeology, ethnology and social, economic and cultural development of the Northwest Territories;
  - (c) collect, arrange, catalogue, reccondition, preserve and exhibit to the public the things referred to in paragraph (b) of this section in such manner, at such times and in such places and subject to such conditions as are proscribed by this Ordinance or the regulations or as the committee may otherwise determine;

- (d) stimulate interest in the archaeology, ethnology and history of the social, economic, military and political patterns in northern development;
  - (e) co-operate with other bodies within and outside the Northwest Territories.
5. (a) For the purpose of this Ordinance there shall be a fund to be known as the Historic Sites, Museums, Artifacts and Documents Fund to which shall be credited in an account to be kept by the Territorial Treasurer all money received by the committee by gift, donation, contribution or bequest.
- (b) All money referred to in sub-section 5(a) shall be used by the committee for any purpose for which the donor, contributor or testator gave, contributed or bequeathed it but if the donor, contributor or testator did not state the purpose for which the money was to be used it may be used by the committee with the approval of the Commissioner for any purpose, other than salaries, designed to encourage and assist in the preservation of historical objects, sites and records in the Northwest Territories within the meaning and intent of this Ordinance.
- (c) The Territorial Treasurer may on the recommendation of the Commissioner pay into the fund such amounts out of the money voted by the legislature for the use of the committee as the Territorial Treasurer deems fit.
- (d) The Territorial Treasurer shall make payments out of the fund on the recommendation of the Committee with the approval of the Commissioner.
6. The committee may with the approval of the Commissioner make regulations
- (a) regulations the use and protection of the items referred to in paragraph (b) of Section 4 which may be acquired by the committee from time to time by way of gift, donation, devise, bequest, loan, purchase or otherwise;

- (b) requiring from any person using the things referred to in paragraph (b) of Section 4 a guarantee or security against the loss of or injury to those things;
  - (c) for the preservation and protection of historic objects and historic sites in the Northwest Territories;
  - (d) respecting the removal of objects from the museum or the archives;
  - (e) respecting any other matter for carrying out the true intent and purpose of this Ordinance.
7. No member of the committee is liable in his personal or separate estate for the debts or liabilities or obligations of the committee unless he has incurred liability by becoming surety for the committee.

#### PART II - HISTORIC OBJECTS

8. (a) There is hereby established a museum called the Northwest Territories Museum which shall serve as a repository for relics, artifacts, materials, articles and items which are of historical value and importance to or connected with archaeology, ethnology and social, economic and cultural development of the Northwest Territories. If the Northwest Territories Museum cannot handle any items, arrangements be made with the National Museum of Man, Ottawa to serve as temporary repository for historical objects acquired.
- (b) The general management, regulation and control of the museum is vested in and shall be exercised by the committee.
- (c) Any person who discovers an historic object in the Northwest Territories in or forming part of the soil shall report the discovery forthwith to the Permanent Secretary of the Committee at Yellowknife stating the nature of the object, the location where it was discovered and the date of discovery.
- (d) No person shall acquire any right to or the ownership of an historic object referred to in sub-section (c) by reason of his



discovery of it or of its being discovered on his land or of receiving it from another person.

- (e) The committee may acquire for the museum or for other purposes under this Ordinance any historical object discovered in the Northwest Territories in or forming part of the soil and, subject to sub-section (d) may pay to the owner or discoverer therefor such compensation if any as may be approved by the Commissioner.
- (f) The committee is not liable to pay compensation under sub-section (d) where it is of the opinion that an historic object should be preserved in the place where it was discovered.
- (g) The committee may renounce its rights under sub-section (d) to acquire an historic object.
- (h) The Commissioner may on the recommendation of the committee and for the purposes of this Ordinance declare to be an historic object any movable or immovable object existing in the Northwest Territories after the date of the passing of this Ordinance whether it is in a natural state or constructed, shaped, inscribed or otherwise produced or modified by man.
- (i) The Commissioner shall by advertisement or by such other means as he deems fit give notice of the declaration under this section.
- (j) No person shall, except with the consent in writing of the Commissioner, move, destroy, damage, deface, obliterate, alter, add to, mark or in any other way interfere with, remove or cause to be removed from the Northwest Territories or agree to the removal from the Northwest Territories of any historic object which has been found in or which forms part of the soil in the Northwest Territories or which has been declared to be an historic object under section (h).
- (k) No person shall remove any object from the museum without permission granted in accordance with the regulations or mutilate or in any way damage an object in the museum.

PART III - HISTORIC SITES

9. (a) The Commissioner may, on the recommendation of the committee and for the purpose of this Ordinance, declare to be an historic site any site, area, parcel of land, building, monument or other structure in the Northwest Territories which is considered by the committee to be of historical significance.
- (b) The Commissioner shall by advertisement or by such other means as he deems fit give notice of a declaration under this section.
- (c) Where the committee is of the opinion that the preservation of any historic site is a matter of public interest, the committee may, with the consent of the Commissioner, acquire the site by purchase or otherwise as may be deemed necessary and become the custodian thereof.
- (d) The committee may, with the approval of the Commissioner, undertake or contribute towards the cost of investigating, preserving, maintaining and managing an historic site acquired under this section.
- (e) No person shall, except with the consent in writing of the committee, move, destroy, damage, deface, obliterate, alter, add to, mark or in any other way interfere with, remove or cause to be removed from the Northwest Territories or agree to the removal from the Northwest Territories of any historic site or any object, building, monument, or other structure situated on or in an historic site or in any way excavate on or interfere with or damage the site.
- (f) Whenever, in the opinion of the Commissioner, any prehistoric or historic remain, whether or not designated as part of an archaeological or historic site under this Ordinance, is threatened with destruction by reason of commercial, industrial or other activity, the Commissioner may require the persons undertaking the activity to provide for adequate investigation, recording, and salvage of archaeological or historic objects threatened with destruction as the Commissioner may direct.

PART IV - HISTORIC RECORDS

10. (a) There is hereby established archives called the Northwest Territories Archives for the safekeeping, classification, indexing and calendaring of all public documents, court records, and other papers deposited in the archives under this Ordinance.
- (b) The general management, regulation and control of the archives is vested in and shall be exercised by the committee.
- (c) All public documents shall be preserved by the department to whose business they belong until their transfer to the archives or until the Commissioner orders their destruction under this Ordinance.
- (d) The committee may replevin any document, wherever found, which has once been or should properly be part of the records of the Territorial Government.
- (e) Subject to sub-sections (b) and (c) and to Section 11, the Commissioner may on the recommendation of the department director having jurisdiction over the department concerned, order
- (i) That any public document or any class or series of public documents which are in the charge of the department when the order is made be transferred to the archives forthwith or upon the expiration of such periods after the dates at which they are created as are specified in the order;
  - (ii) that any public document or any class or series of public documents which are in the charge of the department when the order is made be destroyed forthwith or upon the expiration of such periods after the dates at which they were created as are specified in the order; or
  - (iii) that any public document or any class or series of public documents which come into the charge of the departments after the order is made be destroyed or

transferred to the archives upon the expiration of such periods after the dates at which they were created as are specified in the order.

- (f) An order under sub-section (e) for the destruction of a public document shall not be made unless the committee has agreed in writing to the recommendation of the director having jurisdiction over the department concerned.
  - (g) Except with the consent in writing of the Committee, a public document shall not be destroyed under this section before the expiration of ten years from the date at which it was created.
  - (h) Subject to sub-sections (i) and (j) and to Section 11, the Commissioner may order that any court record or any class thereof be transferred to the archives or be destroyed.
  - (i) An order shall not be made under sub-section (h) except upon the recommendation of the Commissioner after he has received a descriptive list of the records recommended for disposal and unless the list has been approved by the committee and by a Judge or magistrate, as the case may be, of the court of which the court record forms a part.
  - (j) Except with the consent in writing of the Committee, a court record shall not be destroyed under this section before the expiration of twenty-five years from the date upon which it was filed.
  - (k) Public documents and court records transferred to the archives under this section are subject to such restrictions respecting their subsequent use as the Commissioner, upon the recommendation of the department director having jurisdiction over the department concerned, may by order prescribe.
11. (a) Subject to this Ordinance, the committee is responsible for deciding whether a public document or court record or any class or series of public documents and court records shall be accepted for deposit in

the archives and for this purpose may, with the prior approval of the Commissioner, retain the services of persons to assist in the examination and selection of public documents and court records to determine their suitability for the archives.

- (b) If a person whose services are retained under sub-section (a) is an employee of the Territorial Government, the committee shall get the consent of the director who has jurisdiction over the department in which that person is employed before seeking the approval of the Commissioner for retaining the services of that person.
- (c) Subject to sub-sections (d) and (e) a person whose services are retained under sub-section (a) shall serve without pay or other emolument for those services.
- (d) If a person whose services are retained under sub-section (a) is required by the committee to undertake work involving travelling, board and lodging or other expenses, the committee shall obtain the prior approval of the director therefor whereupon the director may pay such reasonable and actual out-of-pocket expenses as may be incurred by that person.
- (e) If a person whose services are retained under sub-section (a) is an employee of the Territorial Government, he shall continue to receive his remuneration as an employee of the government while he is engaged in work on behalf of the committee under this section.
- (f) Before a person whose services are retained under sub-section (a) proceeds to examine public documents or court records, the committee shall arrange with the department director having jurisdiction over the department concerned, in the case of public documents, and with the Commissioner and the judge concerned, in the case of court records, the manner in which and the times and places at which the public documents and court records may be examined.

- (E) A person whose services are retained under sub-section.(a) shall not
- (i) retain for any purpose other than deposit in the archives any book, paper, record, document or other material, article or thing to which he may have access as a result of his examination of public documents or court records pursuant to this section;
  - (ii) disclose or communicate to any person any information obtained by him in the course of or as a result of that examination; or
  - (iii) use any information referred to in paragraph (ii) for his own personal benefit or in a manner which is prejudicial to the safety or interests of the Crown.
12. (a) A municipality or any society, organization or individual within or without the Northwest Territories may, with the prior consent of the committee, deposit records or other documents with the committee for preservation in the archives by way of loan or gift.
- (b) The committee shall, by agreement with the donor or lender of records and other documents referred to in sub-section (a), place on the use of these records and other documents whilst they are in the archives such restrictions, if any, as may be stipulated in the agreement and those restrictions are binding on all persons during the term of the agreement.
- (c) No person shall remove any document or object from the archives without permission granted in accordance with the regulations or mutilate or in any way damage any such document or object.

PART V - ARCHAEOLOGICAL INVESTIGATIONS

13. (a) No person shall carry on archaeological investigations in the Northwest Territories unless he is the holder of a permit issued by the Commissioner.

- (b) Upon application made to the Commissioner in writing the Commissioner may, on the recommendation of the committee, issue a permit to any person to carry on archaeological investigations in the Northwest Territories.
- (c) The Commissioner may limit a permit as to time and location and may impose such other terms and conditions as he deems necessary.
- (d) The Commissioner may cancel a permit at any time.
- (e) A permit holder shall not carry on archaeological investigations on private or leased property without the prior consent of the owner or the lessor.
- (f) When as a result of archaeological investigations it is shown that the value of the interest of any person in any site, parcel of land, building or structure affected thereby is diminished, the party or parties carrying out or causing to be carried out such investigations shall pay to such person in respect of such diminution in value such compensation as may be mutually agreed upon or in the absence of agreement an amount to be assessed upon application to a judge of the Territorial Court.
- (g) Within a reasonable time after the close of each season's field work every permit holder shall furnish, in duplicate, to the committee a report containing full details of the work done including details of any stratification or other chronological evidence and such other information as the committee may require.
- (h) The Committee may, with the approval of the Commissioner, appoint a commission to supervise and inspect the activities in the Northwest Territories of any person to whom a permit is issued pursuant to this section and a commission so appointed is authorized to take such action as it may deem necessary to ensure that the archaeological investigations of the permit holder concerned are conducted at all times in the best interests of the Northwest Territories.

- (i) A commission may be appointed under sub-section (h) in respect of each permit issued by the committee or may be appointed to supervise the activities of all or any number of permit holders as the committee may see fit.
- (j) The committee is not limited in the number of members which may be appointed to a commission and such members may be selected either from residents or non-residents of the Northwest Territories but appointments to a commission shall be subject to the approval of the Commissioner before they become effective.
- (k) A commission or any representatives designated by it shall have the right of access at any time to all areas in the Northwest Territories where a permit holder is carrying on archaeological investigations and every permit holder shall furnish forthwith to the commission or its representatives complete information in reply to all enquiries directed to him from time to time and shall assist the commission to the fullest possible extent in its work of supervision and inspection.
- (l) The committee may, with the approval of the Commissioner, authorize a commission appointed pursuant to sub-section (h) to carry on archaeological investigations itself in any area of the Northwest Territories or may appoint a separate commission to conduct such investigations and any such commission may carry on archaeological investigations on its own or in co-operation with other bodies within or outside the Northwest Territories.
- (m) In cases where the board deems fit to appoint a separate commission, the provisions of sub-section (j) of this section apply thereto.
- (n) The expenditures incurred by a commission in respect of archaeological investigations carried on by it pursuant to this section shall be paid out of any monies that may be voted by the legislature for the purpose or may be shared in any proportion between the Government of the Northwest Territories and other bodies co-operating in the said investigation.



PART VI - GENERAL

14. Any person who violates any provision of this Ordinance or the regulations is guilty of an offence and liable to summary conviction to a fine not exceeding one hundred dollars and in default of payment to imprisonment for a term not exceeding one month or to both fine and imprisonment.

September 15, 1969