

CONFIDENTIAL: Not for release
before tabling during the 8th Session
of the 11th Legislative Assembly.

CONFIDENTIEL : Ne pas rendre
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de la 11^e Assemblée législative.

EIGHTH SESSION,
ELEVENTH LEGISLATIVE ASSEMBLY
OF THE NORTHWEST TERRITORIES

HUITIÈME SESSION,
ONZIÈME ASSEMBLÉE LÉGISLATIVE
DES TERRITOIRES DU NORD-OUEST

PROPOSED BILL

AVANT-PROJET DE LOI

AN ACT TO AMEND THE TRAVEL
AND TOURISM ACT

LOI MODIFIANT LA LOI SUR LE TOURISME

Statement of Purpose

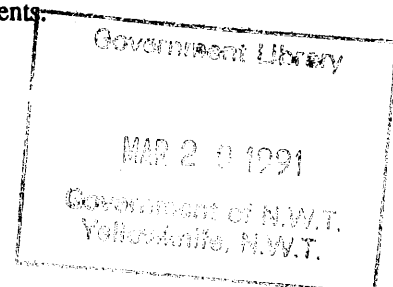
Exposé des motifs

The purpose of this proposed Bill is to amend the *Travel and Tourism Act* to establish a Tourist Deposit Assurance Program; to provide an appeal to a decision of the Minister; to increase fines; to expand the regulation-making powers to provide for the appointment of an auditor; to allow the Minister to require the payment of fees into the Tourist Deposit Assurance Program; and to allow the Minister to make regulations regarding non-resident travellers.

L'avant-projet de loi vise à modifier la *Travel and Tourism Act* (Loi sur le tourisme) afin de créer un programme d'assurance-dépôts touristiques; de prévoir la possibilité d'interjeter appel d'une décision du ministre; d'augmenter le montant maximum des amendes; d'étendre les pouvoirs de réglementation afin de nommer un vérificateur; de permettre au ministre d'exiger le paiement de droits qui seront versés au programme d'assurance-dépôts touristiques; de permettre au ministre de prendre des règlements relatifs aux voyageurs non-résidents.

Important: This Bill is being tabled for information purposes only.

N.B. : Ce projet de loi n'est déposé qu'à titre de renseignements.



PROPOSED BILL

AVANT-PROJET DE LOI

AN ACT TO AMEND THE TRAVEL AND TOURISM ACT

LOI MODIFIANT LA LOI SUR LE TOURISME

The Commissioner of the Northwest Territories, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Le commissaire des Territoires du Nord-Ouest, sur l'avis et avec le consentement de l'Assemblée législative, édicte :

1. The *Travel and Tourism Act* is amended by this Act.

1. La présente loi modifie la version anglaise de la *Travel and Tourism Act* (Loi sur le tourisme).

2. The following is added after section 4:

2. La même loi est modifiée par insertion, après l'article 4, de ce qui suit :

Tourist Deposit Assurance Program

"4.1. (1) The Minister may establish a program known as the "Tourist Deposit Assurance Program", for the reimbursement in whole or in part, of a person at the discretion of the Minister, of deposits made by the person where (a) the deposit was paid to a guide, an outfitter or a tourist establishment licensed under this Act; and (b) the person seeking reimbursement sustained pecuniary loss by reason of the failure of the guide, outfitter or tourist establishment to provide any of the services in respect of which the deposit was made.

«4.1. (1) The Minister may establish a program known as the "Tourist Deposit Assurance Program", for the reimbursement in whole or in part, of a person at the discretion of the Minister, of deposits made by the person where (a) the deposit was paid to a guide, an outfitter or a tourist establishment licensed under this Act; and (b) the person seeking reimbursement sustained pecuniary loss by reason of the failure of the guide, outfitter or tourist establishment to provide any of the services in respect of which the deposit was made.

Tourist Deposit Assurance Program

Application for reimbursement

(2) A person may apply to the Minister for reimbursement from the Tourist Deposit Assurance Program in writing and, when doing so, shall provide the following information: (a) the name and address of the person applying; (b) the name and address of the guide, outfitter or tourist establishment; (c) the services to be provided; (d) the dates on which the services were to be provided; (e) details concerning the failure of the guide, outfitter or tourist establishment to provide the services paid for; (f) an itemized list of the monetary amounts being claimed; (g) such other information as the Minister deems necessary.

(2) A person may apply to the Minister for reimbursement from the Tourist Deposit Assurance Program in writing and, when doing so, shall provide the following information: (a) the name and address of the person applying; (b) the name and address of the guide, outfitter or tourist establishment; (c) the services to be provided; (d) the dates on which the services were to be provided; (e) details concerning the failure of the guide, outfitter or tourist establishment to provide the services paid for; (f) an itemized list of the monetary amounts being claimed; (g) such other information as the Minister deems necessary.

Application for reimbursement

Powers of Minister

(3) Upon review of a written application the Minister may (a) reject the application;

(3) Upon review of a written application the Minister may (a) reject the application;

Powers of Minister



EXPLANATORY NOTES

NOTES EXPLICATIVES

Clause 2

Sections 4.1 and 4.2 are new.

Article 2

Les articles 4.1 et 4.2 sont nouveaux.

	(b) pay all or part of the amount claimed; or (c) request further information regarding the amount claimed.	(b) pay all or part of the amount claimed; or (c) request further information regarding the amount claimed.		5
Recovery of payment	(4) The Government of the Northwest Territories may claim and recover any amount paid under paragraph (3)(b) together with any costs and expenses incurred.	(4) The Government of the Northwest Territories may claim and recover any amount paid under paragraph (3)(b) together with any costs and expenses incurred.	Recovery of payment	10
Procedure	(5) A claim for costs and expenses under this Act may be sued for and recovered with costs as a debt due to the Government of the Northwest Territories.	(5) A claim for costs and expenses under this Act may be sued for and recovered with costs as a debt due to the Government of the Northwest Territories.	Procedure	15
Subrogation of rights	4.2. Where any payment is made under the Tourist Deposit Assurance Program, and the Government of the Northwest Territories does not sue under subsection 3(4), the Government of the Northwest Territories is, to the amount of such payment, subrogated to the rights, remedies and securities to which the person receiving the payment was entitled as against the trustee, assignee, estate or personal representative of the tourist establishment or the outfitter, and those rights, remedies and securities may be enforced or realized in the name of the Government of the Northwest Territories."	4.2. Where any payment is made under the Tourist Deposit Assurance Program, and the Government of the Northwest Territories does not sue under subsection 3(4), the Government of the Northwest Territories is, to the amount of such payment, subrogated to the rights, remedies and securities to which the person receiving the payment was entitled as against the trustee, assignee, estate or personal representative of the tourist establishment or the outfitter, and those rights, remedies and securities may be enforced or realized in the name of the Government of the Northwest Territories.».	Subrogation of rights	20
	3. Section 10 is amended by	3. L'article 10 est modifié :		
	(a) striking out "Minister and the decision of the Minister is final." and substituting "Minister and the Minister shall prepare a written decision and serve a copy of that decision on the person.";	a) par suppression des mots «Minister and the decision of the Minister is final.» et par substitution des mots «Minister and the Minister shall prepare a written decision and serve a copy of that decision on the person.»;		35
	(b) renumbering section 10 as subsection 10(1); and	b) en remplaçant le numéro d'article 10 par le numéro de paragraphe 10(1);		40
	(c) adding the following after subsection 10(1):	c) par adjonction de ce qui suit :		
Consultation by Minister	"(2) The Minister may consult with such persons as, in the opinion of the Minister, are necessary to provide such information as is required to make a decision under this section."	«(2) The Minister may consult with such persons as, in the opinion of the Minister, are necessary to provide such information as is required to make a decision under this section.».	Consultation by Minister	45
	4. The following is added after section 10:	4. La même loi est modifiée par insertion, après l'article 10, de ce qui suit :		50
Appeal	"10.1. (1) An appeal lies to the Supreme Court from a decision of the Minister under section 10.	«10.1. (1) An appeal lies to the Supreme Court from a decision of the Minister under section 10.	Appeal	

EXPLANATORY NOTES

NOTES EXPLICATIVES

Clause 3

Section 10 now reads:

Article 3

Texte actuel de l'article 10 :

Right to
appeal

10.√ Any person aggrieved by a decision or order of a tourism officer with respect to licensing may appeal to the Minister and the decision of the Minister is final. 1985(2), c.3, s.4.

Subsection 10(2) is new.

Le paragraphe 10(2) est nouveau.

Clause 4

Section 10.1 is new.

Article 4

L'article 10.1 est nouveau.

Notice of appeal	(2) Where an applicant or licensee wishes to appeal a decision of the Minister under section 10, the applicant or licensee shall file a notice of appeal with the Supreme Court and serve a copy of the notice on the Minister within 30 days after the day on which a copy of the written reasons of the Minister is served on the applicant or licensee.	(2) Where an applicant or licensee wishes to appeal a decision of the Minister under section 10, the applicant or licensee shall file a notice of appeal with the Supreme Court and serve a copy of the notice on the Minister within 30 days after the day on which a copy of the written reasons of the Minister is served on the applicant or licensee.	Notice of appeal	5
Idem	(3) A notice of appeal must state the grounds on which the appeal is based and may be amended at any time by leave of a judge of the Supreme Court, on such terms as the judge considers fit.	(3) A notice of appeal must state the grounds on which the appeal is based and may be amended at any time by leave of a judge of the Supreme Court, on such terms as the judge considers fit.	Idem	10
Jurisdiction of Court	(4) The Supreme Court may confirm, vary or set aside the decision of the Minister.	(4) The Supreme Court may confirm, vary or set aside the decision of the Minister.	Jurisdiction of Court	15
Effect of appeal	(5) Subject to an order of the Supreme Court, a decision of the Minister continues in effect until the appeal is disposed of.	(5) Subject to an order of the Supreme Court, a decision of the Minister continues in effect until the appeal is disposed of.	Effect of appeal	20
Decision final	(6) A decision or order of the Supreme Court on an appeal under this Act is final."	(6) A decision or order of the Supreme Court on an appeal under this Act is final.».	Decision final	25
	5. Paragraph 14(a) is amended by striking out "one thousand dollars" and substituting "two thousand dollars".	5. L'alinéa 14a) est modifié par suppression des mots «one thousand dollars» et par substitution des mots «two thousand dollars».		30
	6. Paragraph 14(b) is amended by striking out "five thousand dollars" and substituting "ten thousand dollars".	6. L'alinéa 14b) est modifié par suppression des mots «five thousand dollars» et par substitution des mots «ten thousand dollars».		35
	7. Section 15 is amended by	7. L'article 15 est modifié :		
	(a) striking out "and" at the end of paragraph 15(v);	a) par suppression de «and» à la fin de l'alinéa 15v);		40
	(b) striking out the period at the end of paragraph 15(w) and substituting a semi-colon; and	b) par suppression du point à la fin de l'alinéa 15w) et par substitution d'un point virgule;		
	(c) adding the following after paragraph 15(w):	c) par adjonction de ce qui suit :		45
	"(x) respecting the appointment of an auditor to review and report on the financial status of a guide, an outfitter or a tourist establishment; and	«(x) respecting the appointment of an auditor to review and report on the financial status of a guide, an outfitter or a tourist establishment; and		50
	(y) respecting the collection of fees from guides, outfitters and tourist establishments for contribution to the Tourist Deposit Assurance Program; and	(y) respecting the collection of fees from guides, outfitters and tourist establishments for contribution to the Tourist Deposit Assurance Program; and		55

EXPLANATORY NOTES

NOTES EXPLICATIVES

Clause 5

Paragraph 14(a) now reads:

Offence and penalties

Article 5

Texte actuel de l'alinéa 14a) :

14. Every person who violates this Act or the regulations is guilty of an offence and liable on summary conviction,

- (a) for a first offence, to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; and

Clause 6

Paragraph 14(b) now reads:

Article 6

Texte actuel de l'alinéa 14b) :

- (b) for any subsequent offence, to a fine of not more than five thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment. 1985(1), c.4, s.9.

Clause 7

Paragraphs 15(v) and (w) now read:

Article 7

Texte actuel des alinéas v) et w) :

- (v) designating the procedures for the registration of such tourism occupations; and
(w) respecting the training of persons in such designated tourism occupations. 1985(1), c.4, s.9; 1985(2), c.3, s.4.

Paragraphs 15(x), (y) and (z) are new.

Les alinéas 15x), y) et z) sont nouveaux.

(z) defining and governing the travel of non-resident travellers in the Territories."

(z) defining and governing the travel of non-resident travellers in the Territories.».