

TRAVEL AND TOURISM ACT
CONSOLIDATION OF OUTFITTER REGULATIONS
R.R.N.W.T. 1990,c.T-16

(Current to: June 5, 2014)

AS AMENDED BY NORTHWEST TERRITORIES REGULATIONS:

R.R.N.W.T. 1990,c.T-16(Supp.)

In force September 15, 1992: SI-013-92

AS AMENDED BY NUNAVUT REGULATIONS:

R-013-2014

In force April 22, 2014, except s.4

s.4 in force January 1, 2015

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

c.	means "chapter".
CIF	means "comes into force".
NIF	means "not in force".
s.	means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
Sch.	means "schedule".

Citation of Acts

R.S.N.W.T. 1988,c.D-22	means Chapter D-22 of the <i>Revised Statutes of the Northwest Territories, 1988</i> .
R.S.N.W.T. 1988,c.10(Supp.)	means Chapter 10 of the Supplement to the <i>Revised Statutes of the Northwest Territories, 1988</i> . (<i>Note: The Supplement is in three volumes.</i>)
S.N.W.T. 1996,c.26	means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
S.Nu. 2002,c.14	means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

Citation of Regulations and other Statutory Instruments

R.R.N.W.T. 1990,c.A-1	means Chapter A-1 of the <i>Revised Regulations of the Northwest Territories, 1990</i> .
R-005-98	means the regulation registered as R-005-98 in 1998. (<i>Note: This is a Northwest Territories regulation if it is made before April 1, 1999, and a Nunavut regulation if it is made on or after April 1, 1999 and before January 1, 2000.</i>)
R-012-2003	means the regulation registered as R-012-2003 in 2003. (<i>Note: This is a Nunavut regulation made on or after January 1, 2000.</i>)
SI-005-98	means the instrument registered as SI-005-98 in 1998. (<i>Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.</i>)
SI-012-2003	means the instrument registered as SI-012-2003 in 2003. (<i>Note: This is a Nunavut statutory instrument made on or after January 1, 2000.</i>)

OUTFITTER REGULATIONS

Interpretation

1. In these regulations,

"certificate of identification" means a certificate issued under section 13 to an outfitter or to an agent of an outfitter; (*carte d'identité*)

"guest capacity" means the maximum number of clients an outfitter may accommodate each season. (*capacité d'accueil*)

R.R.N.W.T. 1990,c.T-16(Supp.),s.2.

Application

2. No person shall act as an outfitter or hold himself or herself out to be an outfitter without an outfitter's licence issued under these regulations.

R.R.N.W.T. 1990,c.T-16(Supp.),s.3.

Outfitter's Licences

3. (1) An application for an outfitter's licence or renewal of an outfitter's licence shall be made in Form 1 of Schedule B to a tourism officer.

(2) An application for a licence shall contain,

- (a) the name and address of the applicant;
- (b) the location of his or her place of business and the area in which he or she intends to outfit;
- (c) the type of service or equipment the applicant will make available to his or her clients;
- (d) the name, address and position of each employee who may be employed in the applicant's outfitting business or service;
- (e) the arrangements the applicant has made to insure and maintain insurance for the protection of his or her employees as required by the *Workers' Compensation Act*;
- (f) evidence that the applicant has public liability insurance coverage referred to in Section 10 or will obtain the coverage if the licence is issued;
- (g) the quantity and total estimated value of the equipment to be used by his or her clients;
- (h) where required, the arrangements the applicant has made for the transportation and accommodation of his or her clients;
- (i) an outline of the applicant's experience as an outfitter and his or her knowledge of the area in which he or she will engage in business; and
- (j) such further information as the tourism officer considers necessary.

(3) A licence holder seeking to change the services provided under a licence shall submit an application under this section. R.R.N.W.T. 1990,c.T-16(Supp.),s.4.

4. Each application for an outfitter's licence shall be accompanied by the fee set out in Schedule A.

5. (1) A tourism officer may issue a licence, in Form 2, where the tourism officer is satisfied that

- (a) the equipment to be used by the applicant is safe and adequate for the intended use;
- (b) the activity to be carried on by the applicant will not have a negative impact on the environment;
- (c) the activity to be carried on by the applicant will not be incompatible with the activities of other licensees;
- (d) the activity to be carried on by the applicant will not conflict with the traditional use of the area of operation;
- (e) the applicant is capable of delivering the services for which the applicant seeks a licence; and
- (f) the activity to be carried out by the applicant will benefit the economy of the area.

(2) A tourism officer may make such inspections and investigations as the tourism officer considers necessary to determine the ability of the applicant to meet the criteria in subsection (1).

(3) A tourism officer may refuse an application where the tourism officer is of the opinion that the applicant is unable to meet the criteria in subsection (1).

(4) Where an applicant is refused a licence under subsection (3), the applicant may ask the tourism officer to provide reasons for the refusal of the licence and recommendations for improvement.

(5) The applicant may reapply for a licence under this Act where an applicant has received recommendations for improvement from a tourism officer and has made the improvements. R.R.N.W.T. 1990,c.T-16(Supp.),s.5.

6. An outfitter's licence authorizes the holder of the licence for gain to furnish to the public equipment, transportation, guide services or related services in connection with angling, hunting, boating, canoeing, camping or other outdoor recreational activity.

7. An application for the renewal of an outfitter's licence may be refused where

- (a) there is reason to believe that the applicant has rendered or maintained unsatisfactory standard of service in respect of accommodation, transportation, equipment, guiding or other services to his or her clients;

- (b) the applicant has been convicted of an offence against
 - (i) the Act or these regulations,
 - (ii) the *Wildlife Act*, the *Forest Protection Act*, the *Public Health Act* or regulations made under those Acts with respect to his or her outfitting business,
 - (iii) the *Fisheries Act* (Canada) or regulations, or
 - (iv) any other Act or regulations under any other Act except the *Forest Protection Act*; or
 - (c) the applicant does not have the public liability insurance coverage referred to in section 10.
- R.R.N.W.T. 1990,c.T-16(Supp.),s.6

8. Where an applicant fails to maintain in force insurance for the protection of his or her employees as required by the *Workers' Compensation Act*, does not have the public liability insurance coverage referred to in section 10, fails to maintain satisfactory standards of service in respect to the service provided to his or her clients, or is convicted of an offence against

- (a) the Act or these regulations,
- (b) the *Wildlife Act*, the *Forest Protection Act*, the *Public Health Act*, the *Fire Prevention Act* or the regulations made under those Acts with respect to his or her outfitting business,
- (c) the *Fisheries Act* (Canada) or regulations, or
- (d) the *Nunavut Archaeological and Paleontological Sites Regulations* made under the *Nunavut Act* (Canada) or the *Historical Resources Act* or any regulations made under that Act,

his or her licence may be suspended or revoked notwithstanding that the violation existed at the time the licence was issued. R-013-2014,s.2.

8.1. Where a tourism officer considers that a licensed outfitter does not meet the licensing criteria set out in subsection 5(1), the tourism officer may require the outfitter to take the steps necessary to comply with the licensing criteria within a specified time.
R.R.N.W.T. 1990,c.T-16(Supp.),s.7; R-013-2014,s.3.

8.2. (1) Where the Minister has reason to believe that an outfitter is unable, for financial reasons, to provide the services for which the outfitter received a licence under these regulations, the Minister shall provide, in writing, to the outfitter the information on which the belief of the Minister is based.

(2) Within 15 days of receiving the information provided under subsection (1), the outfitter may provide information to the Minister relating to the financial situation of the outfitter.

(3) On review of the information received under this section and where the Minister is of the opinion that an outfitter is, for financial reasons, unable to provide the services for which a licence was issued under these regulations, the Minister may appoint an auditor to review the financial records of the outfitter.

(4) The operator shall provide the financial records that the auditor requires to prepare the report under subsection (2).

(5) Where an operator fails to provide the financial records required by the auditor, the Minister may suspend the licence of the operator subject to such conditions as the Minister considers necessary.

(6) The auditor shall provide a report of the financial status of the outfitter to the outfitter and to the Minister.

(7) On review of a report provided under subsection (2), the Minister may revoke or suspend the licence of the outfitter, or may impose conditions on the outfitter for the continued operation of the business of the outfitter. R.R.N.W.T. 1990,c.T-16(Supp.),s.7.

8.3. (1) Where a tourism officer considers that an outfitter is operating in an unsafe manner or is in contravention of the provisions of the Act or these regulations, the tourism officer may suspend the licence of the outfitter for such time as the unsafe condition or contravention continues, but no such suspension shall exceed three days.

(2) The Minister may designate a tourism officer, other than the tourism officer who made the original decision under subsection (1), to have authority to extend the suspension for such period of time or cancel the licence as that tourism officer sees fit.

(3) The tourism officer referred to in subsection (2) shall not extend the suspension or cancel the licence without giving the outfitter notice and an opportunity to respond. R.R.N.W.T. 1990,c.T-16(Supp.),s.7.

9. When his or her licence is suspended or revoked, an outfitter shall surrender his or her licence and all certificates of identification issued under the licence to a tourism officer.

9.1. A tourism officer may assign a guest capacity to an outfitter after consideration of the following:

- (a) applicable building and safety codes;
- (b) resource management;
- (c) traditional use of the area of operation; and
- (d) other factors which, in the opinion of the tourism officer, are relevant.

R.R.N.W.T. 1990,c.T-16(Supp.),s.8.

Duties of Outfitter

10. An outfitter shall maintain public liability insurance coverage in an amount not less than \$1,000,000.

Note: On January 1, 2015, section 10 is amended by striking out "\$1,000,000" and substituting "\$2,000,000".

See R-013-2014,s.4(1).

- 11.** (1) An outfitter shall keep a register in which he or she shall record
- (a) the name and home address of each client;
 - (b) the area through which each client will travel or intends to travel; and
 - (c) the type of service supplied to each client.
- (2) An outfitter shall, at the request of a tourism officer, produce for inspection his or her outfitter's licence or the register mentioned in subsection (1).
- (3) An outfitter shall at all reasonable times, on request, permit a tourism officer to inspect the accommodation and equipment used in his or her business as an outfitter.
- (4) An outfitter shall display his or her outfitter's licence at his or her place of business. R-013-2014,s.5.
- 12.** (1) An outfitter shall take strict precautions to ensure the protection and preservation of the natural, historic and pre-historic resources from waste, pollution or damage.
- (2) An outfitter shall report without delay to the appropriate authority a contravention by his or her clients of the *Travel and Tourism Act*, the *Wildlife Act*, the *Forest Protection Act*, regulations made under those Acts, the *Fisheries Act* (Canada) or regulations, the *Archaeological Sites Regulations* made under the *Northwest Territories Act* (Canada) or the *Historical Resources Act* or regulations made under that Act.

Certificates of Identification

- 13.** (1) A tourism officer may, on application, issue a certificate of identification in Form 3 of Schedule B to an outfitter, an employee of an outfitter, or an agent of an outfitter.
- (2) An outfitter, an employee of an outfitter, or an agent of an outfitter shall carry the certificate of identification on his or her person while engaged in the business of outfitting away from the place of business of the outfitter. R-013-2014,s.6.

Expiry

- 14.** An outfitter's licence or certificate of identification, unless earlier revoked, expires on December 31 following the date of issue. R-013-2014,s.7.

14.1. (1) Despite section 14, any licence issued on or between April 1, 2014 and December 31, 2014 expires on December 31, 2015, unless earlier revoked.

(2) Despite section 14, any licence with an expiry date of March 31, 2015 issued prior to the coming into force of this section expires on December 31, 2015, unless earlier revoked.

(3) For further certainty, a licence which expired on March 31, 2014 remains expired on the coming into force of this section.

(4) This section is repealed on January 1, 2016. R-013-2014,s.8.

Prohibitions

15. No person who is not the holder of an outfitter's licence shall act, advertise or hold himself or herself out to be an outfitter.

16. No outfitter shall

- (a) permit his or her clients to participate in fishing activity within 40 shoreline km of a tourist establishment that caters primarily to sports fishing or within 8.05 shoreline km of an outpost camp;
- (b) store equipment in a place other than that for which his or her licence was issued;
- (c) provide a conveyance or equipment to another person that is unsafe, unsanitary or in a poor state of repair; or
- (d) publish or cause to be published an advertisement respecting the outfitter's services that contains statements, illustrations or photographs that purport to be true but are untrue, deceptive or misleading or are intentionally so worded or arranged that they are misleading or deceptive.

SCHEDULE A

(Section 4)

Outfitter's Licence	01/04/80 to 31/03/81	01/04/81 to 31/03/82	01/04/82 to 31/03/83
Resident	\$35	\$55	\$75
Non-Resident	\$125	\$175	\$225

SCHEDULE B

FORM 1

(Subsection 3(1))

APPLICATION FOR AN OUTFITTER'S LICENCE

The undersigned applies for an outfitter's licence and makes the following statements in support of the application:

- 1. The name of the outfitter is
- 2. The office of the business is located at
The mailing address is
- 3. The area of operation will be
.....
.....
- 4. Equipment or service to be supplied will be
- 5. Persons who may be employed in connection with this licence are:

Name of employee	Address	Position
.....
.....
.....
.....
- 6. Workers' Compensation Insurance is in effect: Account No
- 7. A public liability insurance policy providing maximum coverage in the amount of
has been issued by under account no
- 8. Equipment with an estimated value of \$ available to clients consists of
- 9. Transportation for clients, where required, has been arranged
- 10. Accommodation for clients, where required, has been arranged with
- 11. Previous Licence Number:

12. Remittance of \$ enclosed for the fee.
(Cheque or money order made payable to the Government of Nunavut.)
(Fee \$15 for residents; \$50 for non-residents.)

13. My experience and/or expertise as an outfitter and my knowledge of the area in which I intend to operate as an outfitter is outlined as follows:
.....
.....
.....
.....
.....

Dated at on 20

.....
(signature of applicant)

.....
.....
.....
(name and address of applicant)

R-013-2014,s.9.

FORM 2

(Section 5)

OUTFITTER'S LICENCE

Subject to the *Travel and Tourism Act*, the regulations, and subject to the limitations endorsed below:

.....
is licensed as an outfitter at
in the Region of in Nunavut.

This licence expires 20

Terms and conditions

.....

.....

Licence number:

Dated at on 20.....

.....
(signature of licence issuer)

THE LICENCE MUST BE KEPT POSTED
CONSPICUOUSLY AT PLACE OF BUSINESS

R-013-2014,s.10.

FORM 3

(Section 13)

CERTIFICATE OF IDENTIFICATION

This certifies that
ofis the agent of or employed by
.....the holder of licence no.

Dated at on 20

.....
(signature of licence issuer)

R-013-2014,s.11.

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