

CONSOLIDATION OF TRAVEL AND TOURISM ACT
R.S.N.W.T. 1988,c.T-7

(Current to: April 10, 2007)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.127(Supp.)

In force January 15, 1992: SI-001-92

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Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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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".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*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.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- 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.

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TRAVEL AND TOURISM ACT

Definitions

1. In this Act,

"Board" means the Tourism Training and Employment Needs Board established under subsection 9(1); (*Commission*)

"guide" means a person who for gain or reward accompanies or assists another person in an outdoor recreational activity; (*guide*)

"licence" means a licence issued under the regulations; (*licence*)

"outdoor recreational activity" means an outdoor leisure time pursuit involving the use of natural resources and includes hunting, fishing and camping; (*activité de loisirs de plein air*)

"outfitter" means a person who provides equipment to be used in connection with an outdoor recreational activity or provides guides or guiding services or both; (*pourvoyeur*)

"permit" means a permit issued under the regulations; (*permis*)

"private cottage" means a seasonal residence used primarily for the personal use of the owner and the immediate family of the owner, where the owner holds a lease or freehold title to the land; (*chalet privé*)

"tourism officer" means a tourism officer appointed under section 6; (*agent de tourisme*)

"tourist establishment" means

- (a) any premises or boat that provides sleeping accommodation,
- (b) any campsite equipped for the supplying of water or electricity or the disposal of garbage or sewage, or
- (c) any picnic, bathing or recreation area for the travelling public or persons engaging in outdoor recreational activities, but does not include a private cottage or residence; (*établissement touristique*)

"Travel Development Area" means an area designated as such under section 4; (*zone de développement touristique*)

"Travel Restricted Area" means an area designated as such under subsection 5(1). (*zone touristique réglementée*)

Licence

2. (1) No person shall operate a tourist establishment unless he or she holds a licence.

Permit

- (2) No person shall, unless he or she holds a permit,
- (a) commence the construction of a tourist establishment;
 - (b) move the buildings of a tourist establishment to a new location;
 - (c) enlarge a tourist establishment; or
 - (d) allow a tourist establishment to be occupied.

Outfitters and guides

- 3.** Except as otherwise provided by this Act, the regulations, the *Wildlife Act* or the regulations made under the *Wildlife Act*, no person shall, unless he or she holds a permit,
- (a) provide equipment to be used in connection with an outdoor recreational activity; or
 - (b) act as a guide in connection with an outdoor recreational activity.

Tourist Deposit Assurance Program

- 3.1.** (1) The Minister may establish a program known as the "Tourist Deposit Assurance Program", for the reimbursement in whole or in part, at the discretion of the Minister, of deposits made by a 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 or all of the services in respect of which the deposit was made.

Application for reimbursement

- (2) Within 90 days of incurring a loss, a person may apply, in writing, in accordance with the regulations, to the Minister for reimbursement from the Tourist Deposit Assurance Program.

Notice of Application

- (3) On receipt of a written application, the Minister shall provide a copy of the application to the guide, outfitter or tourist establishment operator who is the subject of the application.

Information relevant to application

- (4) The guide, outfitter or tourist establishment operator may, in writing, provide the Minister with such information as the guide, outfitter or tourist establishment operator considers is relevant to the application.

Powers of Minister

- (5) On review of a written application the Minister may, in accordance with the regulations,
- (a) reject the application;
 - (b) pay all or part of the amount claimed;
- or

- (c) request further information from the applicant or the guide, outfitter or tourist establishment operator regarding the amount claimed.

Recovery of payment

(6) The Government of the Northwest Territories may claim and recover any amount paid under paragraph (3)(b) together with any costs and expenses incurred as a debt due to the Government of the Northwest Territories.

R.S.N.W.T. 1988,c.127(Supp.),s.2.

Subrogation of rights

3.2. 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 and those rights, remedies and securities may be enforced or realized in the name of the Government of the Northwest Territories. R.S.N.W.T. 1988,c.127(Supp.),s.2.

Travel Development Area

4. The Minister may designate an area in the Territories as a Travel Development Area if the Minister considers that it is in the public interest to regulate the orderly recreational use and development of the area.

Travel Restricted Area

5. (1) The Minister may designate an area in the Territories as a Travel Restricted Area if the Minister considers that it is in the public interest to restrict outdoor recreational activities in the area.

Permit

(2) No person other than a resident of the Territories may enter a Travel Restricted Area for the purpose of engaging in an outdoor recreational activity, unless he or she holds a permit and is accompanied by a guide.

Appointment of tourism officers

6. The Minister may appoint tourism officers to administer this Act and the regulations.

Powers of tourism officer

7. A tourism officer who has reason to believe that a person is carrying on an operation in contravention of this Act or the regulations may, at any reasonable time, enter, examine and make inquiries for a purpose relating to the enforcement of this Act or the regulations.

Appeal

8. (1) A person aggrieved by a decision or order of a tourism officer with respect to licensing may appeal to the Minister who shall prepare a written decision and serve a copy of that decision on the person.

Consultation by Minister

(2) The Minister may consult with such persons as the Minister considers necessary to provide such information as the Minister may require.

R.S.N.W.T. 1988,c.127(Supp.),s.3.

Appeal

8.1. (1) An appeal lies to the Supreme Court from a decision of the Minister under section 8.

Notice of appeal

(2) Where an applicant or licensee wishes to appeal a decision of the Minister under section 8, 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 decision of the Minister is served on the applicant or licensee.

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.

Jurisdiction of Court

(4) The Supreme Court may confirm, vary or set aside the decision of the Minister.

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.

Decision final

(6) A decision or order of the Supreme Court on an appeal under this Act is final.
R.S.N.W.T. 1988,c.127(Supp.),s.4.

Board

9. (1) A Board called the Tourism Training and Employment Needs Board is established.

Composition of Board

(2) The Board shall be composed of seven members appointed by the Minister.

Duties of Board

10. The Board shall

- (a) make recommendations to the Minister designating a tourist occupation as being suitable for training and respecting the certification of persons in a designated tourism occupation;
- (b) make recommendations and review recommendations made to the Board with respect to the training, examination and certification of persons in designated tourism occupations; and
- (c) perform the duties that the Minister assigns.

Powers of Minister

11. The Minister may

- (a) establish the rules and procedures for the administration and operation of the Board;
- (b) provide for the remuneration and expenses of Board members; and
- (c) assign duties to the Board with respect to any matter within the scope of this Act.

Offence and punishment

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

- (a) for a first offence, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding six months or to both; and
 - (b) for a subsequent offence, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding six months or to both.
- R.S.N.W.T. 1988,c.127(Supp.),s.5,6.

Limitation period

13. A prosecution for an offence under this Act may not be commenced after one year from the time when the offence was committed, except with the consent of the Minister.

Regulations

14. The Commissioner, on the recommendation of the Minister, may make regulations

- (a) exempting any person or tourist establishment from the operation of any provision of this Act or the regulations;
- (b) prescribing the powers and duties of persons appointed to administer this Act;
- (c) classifying tourist establishments and establishing standards for tourist establishments;
- (d) establishing a rating system for the classes of tourist establishments;
- (e) respecting the issuing of rating signs or badges to the owners of tourist establishments indicating the ratings assigned to the tourist establishments and requiring the rating sign or badge to be displayed;

- (f) providing for the inspection of tourist establishments and outfitters;
- (g) providing for the issuing of
 - (i) permits to construct, enlarge or occupy tourist establishments or to move tourist establishments to new locations,
 - (ii) permits to non-residents to engage in an outdoor recreational activity in a Travel Restricted Area, and
 - (iii) licences to operate tourist establishments;
- (h) designating areas for which a person is required to obtain a permit to construct a tourist establishment;
- (i) respecting the renewal, transfer, suspension and cancellation of permits and licences;
- (j) prescribing specifications for the construction and size of buildings and other structures comprising tourist establishments;
- (k) prescribing the minimum amount of furniture, fixtures, appliances and other equipment that must be provided in tourist establishments;
- (l) prescribing the fire prevention and fire safety measures that must be taken and the fire fighting equipment that must be maintained in tourist establishments and by outfitters;
- (m) prescribing the public health measures that must be maintained in tourist establishments and by outfitters;
- (n) governing the operation of tourist establishments and the rules to be observed by persons accommodated in tourist establishments;
- (o) limiting the number of tourist establishments that may be constructed or operated in a Travel Development Area or prohibiting the construction or operation of a tourist establishment in any part of a Travel Development Area;
- (p) respecting the conduct, training and registration of guides and the issuing of licences to guides;
- (q) respecting the issuing of licences to outfitters, the areas in which outfitters may carry on business and the standards to be observed in the conduct of the business;
- (r) prescribing the forms that are necessary to carry out this Act;
- (s) designating tourism occupations;
- (t) respecting the issuing of certificates of competence for designated tourism occupations;
- (u) designating the procedures for the registration of designated tourism occupations;
- (v) respecting the training of persons in designated tourism occupations;
- (w) prescribing fees for licences and permits;
- (x) respecting the appointment of an auditor to review and report on the financial status of a guide, an outfitter or a tourist establishment;

- (y) respecting application to, payment from and administration of the Tourist Deposit Assurance Program;
- (z) defining and governing the travel of non-resident travellers in the Territories; and
- (aa) for carrying out the purposes and provisions of this Act.
R.S.N.W.T. 1988,c.127(Supp.),s.7.