



Government of
Northwest Territories

BILL 46 | PUBLIC LAND ACT

Policy Review Document





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Kĩspin ki nitawihtĩn ā nĩhiyawihk ōma ācimōwin, tipwēsinēn.

Cree

ᑭerihł'ís dēne sūliné yati t'a huts'elkēr xa beyéyati theᓄa ᓄat'e, nuwe ts'ēn yółti.

Chipewyan

If you would like this information in another official language, call us.

English

Si vous voulez ces renseignements en français, contactez-nous.

Français

Jii gwandak izhii ginjik vat'atr'ijāhch'uu zhīt yinoththan jì', diits'āt ginohknìi.

Gwich'in

Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.

Inuinnaqtun

ᑕᓄᓴ ᑎᑎᓄᓄᓴ ᐱᓕᐱᓴᐱᓕ ᐃᓄᑎᑕᓕᓄᓴᐱᓄᑎᓄᓄ, ᐃᓕᓕᑎᓄᓄᓄ ᐃᓄᓕ ᓕᓄᓄᓄᑎᓄᓄ.

Inuktitut

UVANITTUAQ ILITCHURISUKUPKU INUVIALUKTUN, QUQUAQLUTA.

Inuvialuktun

K'éhshó got'ine xadé k'é hederi ᓄedihł'é yeriniwē nídé dúle.

North Slavey

Edi gondi dehgéh got'ie zhatié k'ēé edatł'éh enahddhē nide naxets'é edahí.

South Slavey

Tłıchọ yati k'ēē dē wegodił wek'ēhołzọ nēwọ dē, gots'ọ goahde.

Tłıchọ

INTRODUCTION

Purpose

This document summarizes the specific issues and recommendations for improving the current legislation identified during engagement activities convened by the Department of Lands. It captures how the issues and recommendations were used to develop Bill 46 – Public Land Act. A full description of each of the issues and recommendations that the Department received is available in the What We Heard Report (WWHR).

Development of Bill 46

In June 2017, the Department released a discussion paper titled “Engagement Paper: A Review of the Commissioner’s Land Act and the Northwest Territories Lands Act.” The engagement paper outlined issues with the *Northwest Territories Lands Act* and the *Commissioner’s Land Act* as identified by residents, political leaders, and land administrators. The Engagement Paper also recommended actions to address these issues and improve clarity and consistency for clients. During the summer of 2017, the Department engaged with Indigenous governments and organizations (IGOs), community governments, non-governmental organizations and the public through open houses in regional centres, meetings with interested groups and feedback through the Department’s website.

The Department received comments and questions through online submissions, emails, letters and phone calls from a wide range of interested parties, including: individuals, stakeholders, interested parties, IGOs, federal government departments, land and water boards and non-governmental organizations with interests in the environment and resource development. The feedback was summarized in a report called “Engagement Summary Report: What We Heard” and can be found on the Department of Lands’ website.

Overall, public engagement indicated support for the initiative and in 2018, the Department began drafting amendments to both the *Northwest Territories Lands Act* (NWTLA) and the *Commissioner’s Lands Act* (CLA) to align and improve consistency between the two Acts. During the drafting process it became clear that the two amended Acts would contain almost identical provisions. This presented an opportunity to merge the NWTLA and the CLA into one Act to administer public land. This approach provides the added benefit of providing a single legislative foundation for future work on regulations and policies to improve land administration, while delivering on the commitment to improve clarity and consistency for NWT residents.

The result is the proposed Public Land Act.

| FOR REFERENCE |
|--|
| NWTLA Northwest Territories Lands Act |
| CLA Commissioner’s Lands Act |
| TL Territorial Land |
| CL Commissioner’s Land |
| NWTLA Northwest Territories Lands Act |
| PLA Public Land Act |
| MVRMA Mackenzie Valley Resource Management Act |

POLICY REVIEW

3.1.1 Roads, streets, lanes and trails on public lands

TOPIC # FROM WWHR

CLA, s 2(c)

| ISSUE | RECOMMENDATION |
|---|---|
| <ul style="list-style-type: none">» CLA applies to all roads, streets, lanes and trails on public lands, including those within Territorial Lands» The patchwork of Territorial and Commissioner's Lands presents challenges for land administration» These roads do not include those managed by Department of Infrastructure under the <i>Public Highways Act</i> | <ul style="list-style-type: none">» Amend both Acts so that all roads, streets, lanes and trails on Territorial Lands and those on Commissioner's Land are managed under their respective Act» This change would clarify which Act applies and minimize operational challenges |

3.1.2 Beds of bodies of water

TOPIC # FROM WWHR

NWTLA, s 12

| ISSUE | RECOMMENDATION |
|--|--|
| <ul style="list-style-type: none">» NWTLA applies to all beds of bodies of water, including those located within Commissioner's Land» The patchwork presents operational challenges for land administration | <ul style="list-style-type: none">» Amend both Acts so that beds of bodies of water located within blocks of Commissioner's Land are administered under the CLA» The recommended action will clarify which Act applies to beds of bodies of water and will support efficient administration |

SOLUTION IN PLA FOR 3.1.1 AND 3.1.2

- » Under the PLA all land under the administration and control of the Commissioner is "public land," and eliminates issues related to distinctions between CL and TL
- » While TL and CL no longer exist as distinct categories of land, the PLA provides the authority to create administrative categories of land (ss. 59(c) and 59(d) of the PLA) providing flexibility for classifications of land to evolve from TL and CL to other categories for efficient land administration (i.e., agriculture lands, recreational land, etc.)

3.2.1 Transfer of administration/consolidate land under a single administration system

CLA, ss 2(3) and 2(4) | NWTLA, s 53

| ISSUE | RECOMMENDATION |
|---|--|
| <ul style="list-style-type: none">» Both Acts provide for land that is transferred from one regime to the other, any interest existing at that time continues unaffected; and shall be respected and administered “as if the order had not been made”» Administrative process of transferring land between the two regimes by order or regulation is unnecessary as both Territorial and Commissioner’s Lands are under the administration and control of one government | <p>Amend both Acts to:</p> <ul style="list-style-type: none">» clarify that when the administration of public land is transferred from one legislative system to another, there is sufficient authority under the new regime to administer the existing interests in a way that allows them to continue unaffected» clarify and streamline authority to administer land as TL or CL |

| SOLUTION IN PLA |
|---|
| <ul style="list-style-type: none">» Under the PLA all land under the administration and control of the Commissioner is “public land,” and eliminates issues related to distinctions between CL and TL» While TL and CL no longer exist as distinct categories of land, the PLA provides the authority to create administrative categories of land (ss. 59(c) and 59(d) of the PLA) providing flexibility for classifications of land to evolve from TL and CL to other categories for efficient land administration (i.e., agriculture lands, recreational land, etc.) |

3.2.2 Reserve land for public and government use

TOPIC # FROM WWHR

CLA, s 4 | NWTLA, s 19(b)

| ISSUE | RECOMMENDATION |
|--|--|
| <ul style="list-style-type: none">» The CLA provides that the Commissioner <i>may set apart and reserve land</i> for “public and other purposes”» The NWTLA provides that the Commissioner in Executive Council <i>may set apart and appropriate</i> Territorial Lands for sites of places of public worship, [...] or “for other public purposes”» Reserving land for government use on NWTLA requires approval of the Commissioner in Executive Council, which means that all requests for government reserves on Territorial Lands have to be approved by Cabinet and the Commissioner. Prior to devolution, for Territorial Lands, the creation of reserves was delegated to a division within the Department through a Cabinet Directive. NWTLA was mirrored at devolution, without consideration to authorities delegated by directive | <ul style="list-style-type: none">» Ensure that the Commissioner on the recommendation of the Minister has the authority to set apart and reserve public land for public purposes» These changes will help to establish clear authority and consistency for policies and regulations and respecting reserves of public land for public purposes; and ensures that GNWT departments and other governments have timely access to public land necessary for delivering programs and services, such as quarry sites |

| SOLUTION IN PLA |
|---|
| <ul style="list-style-type: none">» The PLA provides the Commissioner, on the recommendation of the Minister, with the authority to reserve land for a public or other purpose (see s. 12 of the PLA). This approach aligns the authority to reserve land consistent with the existing authority in the CLA. The PLA also clarifies that a reserve of public land is not considered a disposition |

3.3.1 Types of land tenure instruments

TOPIC # FROM WWHR

CLA, ss 3(1) and 12(i) | NWTLA, ss 6 and 19(k)

| ISSUE | RECOMMENDATION |
|--|--|
| <ul style="list-style-type: none">» Both Acts use ambiguous and inconsistent authorities for issuing land tenure instruments for temporary, long-term, exclusive, and non-exclusive uses and occupancy of public lands | <ul style="list-style-type: none">» Clarify the authority to issue various types of land tenure instruments on public land» These changes would provide the legislative support for ongoing work to define specific tools for land administration and management best suited to the needs and interests of Northern residents |

| SOLUTION IN PLA |
|---|
| <ul style="list-style-type: none">» Section 5 of the PLA says that the Minister may authorize a grant or disposition of public land. The PLA includes new definitions for “disposition” and “grant” to clarify their meanings» A “disposition” occurs when a person obtains an interest in public land or a right to use or occupy public land under this Act. Any instrument that a person obtains a right or interest in public land is a “disposition”, such as a lease, license, mineral claim, permit, agreement or authorization. A “disposition” however, does not include a “grant”» A “grant” is a transfer of public land in fee simple. This includes a sale or other means that a person obtains the right to use the land, possess it and dispose of it. A “grant” is not a “disposition.” The distinction is important as certain rules and limitations apply to carry fee simple estate as opposed to the rules related to various “dispositions”» The Commissioner in Executive Council can prescribe limits and conditions on the Minister’s authority to sell or dispose of land, under the regulation-making authorities in paragraphs 61(a), 61(b) and 61(c) |

| ISSUE | RECOMMENDATION |
|---|---|
| <ul style="list-style-type: none">» Both Acts contain provisions for addressing unauthorized use, possession or occupancy of public lands. However, neither Act explicitly indicates when a land tenure instrument or authorization is required for land use or occupancy | <ul style="list-style-type: none">» Ensure there are consistent and sufficient authorities to require tenure for various types of use and occupancy of public land» These changes would provide clarity to land users and the public about the differences between permissions and authorizations required for various types of land use and occupancy. It will also ensure the authority to collect revenue for occupancy. Policy work and regulatory amendments may be required to support the purpose of these amendments» Any authorities to issue or require land tenure instruments for various types of land use should consider separate rights, interests, permissions, and authorizations that may be required under other legislative regimes to minimize overlap and administrative burdens on land users |

| SOLUTION IN PLA |
|---|
| <ul style="list-style-type: none">» Due to the level of detail required, the PLA does not include explicit provisions that clarify the types of land uses and occupancies for which land tenure is required. However, the PLA contains a new section to clarify that a person can only use or occupy public land with lawful authority (s. 4). It is not intended to move away from the public having access to the use and enjoyment of public land; rather, it is simply an anchoring provision to support the trespass and offence provisions» Section 5 and 59 (a)(b) of the PLA allow for the clarification in regulations of the use, occupancy and possession of public land that may require a lease or licence or may be permitted without a disposition» This approach, similar to other jurisdictions in Canada, will ensure that there is sufficient authority for these specific rules in regulation or policy and provide flexibility where lawful authority to occupy public lands is provided in a land claim, or other legislation |

3.4.1, 3.4.2, 3.4.3, 3.4.4

TOPIC # FROM WWHR

Replace the provisions limiting the amount of land that may be leased or sold without Executive Council approval with regulation-making authorities

NWTLA, ss 8, 9(1), 9(2), and 9(3)

| ISSUE | RECOMMENDATION |
|--|--|
| <p>The NWTLA contains historic, out-dated limits on the Minister's authority to lease or sell certain types and amounts of land without Executive Council approval. The CLA does not contain these limits. Without the approval of Executive Council, the Minister may not:</p> <ul style="list-style-type: none">» sell more than 160 acres of Territorial Lands» lease more than 6,400 acres of Territorial Lands that are "hay lands or lands suitable for grazing or muskrat farming" <p>The NWTLA also prohibits the sale of Territorial Lands that are "suitable for muskrat farming"</p> | <ul style="list-style-type: none">» During engagement the Department heard concerns about removing limits on the amount of land the Minister is authorized to lease or sell without Executive Council approval» Remove outdated provisions limiting the amounts and types of land that may be leased or sold without Executive Council approval, and add regulation-making authorities to set limits on the Minister's authority to sell or lease public lands» More appropriate limits on the Minister's authority to lease or sell public land without approval of Executive Council can be set out in regulations or policy, and these limits can be based on factors other than just the amount of land, such as, type, location, or value |

SOLUTION IN PLA

- » These sections are not replicated in the PLA
- » However the Commissioner in Executive Council can prescribe limits and conditions on the Minister's authority to sell or dispose of land, under the regulation-making authorities in paragraphs 61(a), 61(b) and 61(c)

3.4.5 Remove the statutory protection of works for the movement of timber

TOPIC # FROM WWHR

NWTLA, s 15

| ISSUE | RECOMMENDATION |
|---|---|
| <p>» The NWTLA provides a statutory protection in all Territorial Lands sales, leases or other dispositions of any rights and works (dams, piers, booms, portages, etc.) associated with the movement of timber. There is no such provision in the CLA. This provision is historic and no longer relevant and it unnecessarily encumbers land titles and leases</p> | <p>» Remove historic provisions associated with the movement of timber as they are no longer relevant and unnecessarily encumber land titles and leases. Removal will create greater certainty for land titles and leases</p> |
| SOLUTION IN PLA | |
| <p>» This was removed and is not in the PLA</p> | |

3.5.1 Clarify security provisions

TOPIC # FROM WWHR

CLA, s 3.1

| ISSUE | RECOMMENDATION |
|--|---|
| <ul style="list-style-type: none">» The CLA provides detailed authorities and requirements relating to security, while the NWTLA does not» Security can be required as a condition of a lease on Territorial Lands because it is a negotiated contract. However, there is no explicit authority to require securities under any land tenure instruments issued under the NWTLA» This lack of statutory authority makes the requirements of a lease or other land tenure instrument unclear for land users, and has the potential to undermine the GNWT's ability to require securities contractually. Since its amendment in 2011, the CLA provides the authority to require securities, but only for commercial and industrial leases. The mandatory requirement for securities in the CLA has also proven problematic as even small commercial developments, such as a commercial greenhouse is subject to the same securities formula as a mine site may be | <p>Amend securities related provisions so authority to require securities applies to both TL and CL with the authority to set out appropriate exceptions and qualifications in regulations. These changes would set out the broad authorities necessary to require, assess and apply security deposits for dispositions. The specific benefits of this action are:</p> <ul style="list-style-type: none">» the ability to require securities in any and all dispositions, not only leases» the ability to require securities for any type of land use, not only commercial and industrial» the use of permissive but non-binding language in the legislation, coupled with appropriate mandatory provisions within revised regulations for each statute» the removal of specific provisions from the Act and place into regulations, with other specific land administration rules» the ability to create exemptions, where prudent, for securities requirements based on administrative experience |

SOLUTION IN PLA

The securities provisions in the PLA are broader than those in the CLA. Section 8 of the PLA:

- » provides the Minister with the authority to require security as a condition of any disposition. This section creates flexibility based on experience in determining which types of developments or uses of land are most likely to cause harm to the land or environment
- » clarifies the authority to apply security upon termination or expiration of a disposition (whether a lease, licence, permit or other)
- » provides authority to reassess amount or form of security, authority to create regulations relating to reassessment, requirement to provide written reasons for reassessed security

The PLA does not include the criteria for calculating security or make security mandatory, as in the CLA. Specific requirements for certain land uses or dispositions are intended to be placed in regulations. This approach reduces potential impediments to economic diversification by providing the necessary administrative flexibility to amend security requirements in a manner appropriate to the sector and type of land use, and is consistent with the approach in the *Waters Act* and MVRMA, which outline detailed security requirements in regulations (e.g. types of securities accepted, minimum security value, factors to be used in calculating, etc.)

3.5.1 Clarify liabilities in excess of security

TOPIC # FROM WWHR

CLA, s 3.1(5)

| ISSUE | RECOMMENDATION |
|---|---|
| <p>» The CLA provides that the posting of security does not affect the liability of a lessee for damages in excess of the amount of the posted security required for restoration of the land. The NWTLA does not contain such a provision</p> | <p>» Clarify that this approach is also applicable to Territorial Lands</p> |

| SOLUTION IN PLA |
|---|
| <p>» This provision is included in the PLA; see s. 8(7)</p> |

3.6.1 Granular resource management

TOPIC # FROM WWHR

CLA, s 12(c) | NWTLA, s 19

| ISSUE | RECOMMENDATION |
|--|---|
| <p>» Although Quarrying Regulations are enacted under the NWTLA, the regulations were created under a general regulation making authority in the NWTLA. The CLA provides explicit and detailed authority for regulations respecting the management of granular resources</p> | <p>» Ensure clear and sufficient authority to make regulations on all public land respecting the management of granular resources including conservation and removal of granular materials from all public land and collection of fees, royalties and other charges</p> |

| SOLUTION IN PLA |
|---|
| <p>» Specific regulation-making authorities for the removal of granular materials (quarrying) are included in the PLA, (see ss. 59(g) and 59(h) of the PLA)</p> |

3.7.1 Authorities relating to compliance and enforcement

TOPIC # FROM WWHR

CLA, s 6 | NWTLA, ss. 17 and 29 to 52

| ISSUE | RECOMMENDATION |
|--|--|
| <ul style="list-style-type: none">» The NWTLA provides enforcement officers with extensive and detailed powers, as well as limitations on those powers» The CLA does not provide for the appointment of inspectors or enforcement officers. Consequently, effective enforcement of the CLA, Commissioner’s Land Regulations, along with leases, licences and quarry permits on Commissioner’s Land, is challenging. Also, the maximum punishments for the same trespass offences are different in the two Acts» The NWTLA provides enabling authority, and limitations, for regulations for administrative monetary penalties (AMPs). This authority does not exist in the CLA | <p>Amend the enforcement, offences and punishment provisions in the CLA to be consistent with the NWTLA, including:</p> <ul style="list-style-type: none">» appointment and powers of enforcement officers» punishments for trespass offences» enabling authority for AMPs |

| SOLUTION IN PLA |
|--|
| <ul style="list-style-type: none">» The PLA includes new and revised enforcement authorities, based on the NWTLA, to harmonize the enforcement, offences and punishments provisions applicable to all public land.» Notable changes and additions to the PLA include:<ul style="list-style-type: none">• appointing inspectors for all public land• clarifying and modernizing powers and protections for inspectors, such as providing inspectors with peace officer status, to ensure they can manage public land• providing inspectors with the authority to enter a dwelling, subject to the issuance of a warrant, which may be necessary for inspectors to establish ownership of unauthorized dwellings• clarifying how these powers are exercised, such as procedural elements relating to warrants, limitation periods and the duty to cooperate• providing maximum fines for trespass from the NWTLA, applicable to offences and trespass» The PLA replicates the authorities to create an AMPs regime (sections 34 to 52 and regulation-making authorities in section 60) |

3.7.2 Delegation of enforcement decision-making

TOPIC # FROM WWHR

CLA, s 5 | NWTLA, s 16

| ISSUE | RECOMMENDATION |
|--|---|
| <ul style="list-style-type: none">» Both Acts set out different procedures to initiate enforcement actions for the unauthorized use of public lands. The CLA provides for the Minister or his or her delegate to “form an opinion” that a person is wrongfully or without lawful authority using, possessing or occupying Commissioner’s Land. The NWTLA does not allow the Minister to delegate this responsibility | <ul style="list-style-type: none">» Ensure the authority for decision-making with respect to unauthorized occupancy of public land can be delegated» This would improve consistency between the Acts, allow for authorities to be established at the appropriate level, and support timely enforcement for suspected new trespass on public land |

| SOLUTION IN PLA |
|---|
| <ul style="list-style-type: none">» This is made consistent by having all of the powers of inspection and enforcement in one act. Sections 19 and 20 of the PLA allow the Minister to appoint inspectors and to designate classes of inspectors to carry out the enforcement of the PLA» If a person is using, possessing or occupying public land wrongfully or without lawful authority, the PLA authorizes an inspector to apply to the Court to initiate trespass proceedings to remove a person from the land |

| ISSUE | RECOMMENDATION |
|--|--|
| <p>» The CLA provides different authorities to the Commissioner in various provisions. Three separate authorities exist throughout the Act: the “Commissioner”, the “Commissioner in Executive Council” or the “Commissioner, on the recommendation of the Minister.” The NWTLA only refers to the “Commissioner in Executive Council”, as was the standard with federal legislation</p> | <p>» Ensure authorities are appropriate to the decisions being made and are harmonized across TL and CL. This will also increase transparency and accountability in decision-making applicable to all public land</p> <p>» Regulation-making authorities and other decision-making powers required for the administrative purposes of the Acts should be placed with the Minister, or with the Commissioner on recommendation of the Minister</p> <p>» Regulation-making authorities to be placed with the Commissioner in Executive Council should include those that may have significant, long-lasting impacts on public land</p> |

| SOLUTION IN PLA |
|---|
| <p>» The PLA places regulation-making authorities together in one part of the Act</p> <p>» There are multiple regulation making authorities in both Acts. Regulations are a secondary form of legislation that contain the details for how the broader objectives laid out in the parent statute or enabling legislation, such as the PLA, are implemented</p> <p>» These authorities are preserved in the PLA, and may look extensive. Given the broad responsibilities and multiple regulations currently under the NWTLA, the PLA must preserve the authorities necessary for the current administration responsibilities until other GNWT legislation occupies these responsibilities. For example, when the proposed Mineral Resources Act comes into force, the regulation making authorities related to mineral rights will be repealed from the PLA</p> |

3.8.2 Delegation of enforcement decision-making

TOPIC # FROM WWHR

CLA, s 3(1.2)

| ISSUE | RECOMMENDATION |
|--|---|
| » The CLA states that the <i>Residential Tenancies Act</i> (RTA) does not apply to a lease issued under the CLA. There is no such provision in the NWTLA. As such, the RTA could be applied to leases issued under the NWTLA by the GNWT | » Ensure that the <i>Residential Tenancies Act</i> does not apply to any lease of public land, as is in the CLA |

SOLUTION IN PLA

- » This provision is included in the PLA, see section 7

3.8.3 Limitation of occupiers liability

TOPIC # FROM WWHR

CLA, s 6.1(1)

| ISSUE | RECOMMENDATION |
|---|---|
| » The CLA says that the Commissioner is not liable for damages, including damages for injury or death, arising from any activity that occurs on undeveloped Commissioner's Land | » Ensure that there is a limitation of liability for damages from any activity on undeveloped public land as currently in the CLA |

SOLUTION IN PLA

- » This provision is included in the PLA, see section 16

3.8.4 Units of measurement

TOPIC # FROM WWHR

| ISSUE | RECOMMENDATION |
|---|--|
| » The NWTLA uses the imperial system while the CLA uses the metric system. The differences between the Acts create issues and inconsistencies for land administration | » To amend the NWTLA from imperial units to metric units |

SOLUTION IN PLA

- » Units in the PLA are metric

ADDITIONAL CHANGES

Aboriginal and treaty rights

| ISSUE | RECOMMENDATION |
|--|---|
| » Lands legislation does not contain provisions to ensure the protection of Aboriginal and treaty rights by clearly stating that the legislation is to be interpreted and implemented consistently with section 35 of the <i>Constitution Act</i> , 1982 | » Include a clause to clarify that the legislation is to be interpreted in a manner consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the <i>Constitution Act</i> , 1982, including the duty to consult |

SOLUTION IN PLA

- » The PLA includes an affirmation clause (see s.3). This is consistent with other pieces of GNWT legislation

Prescriptive Rights

| ISSUE | RECOMMENDATION |
|---|---|
| » The NWTLA says that “no person shall acquire an interest in Territorial lands by prescription.” The CLA does not contain this provision which abolishes rights by prescription. While the current CLA offers potential defences to a claim of acquisition-by-prescription, these arguments are untested in the Northwest Territories’ courts and could lead to uncertain outcomes | » Clarify that no person shall acquire an interest in public land by prescription |

SOLUTION IN PLA

- » This provision is included in the PLA, with minor amendments to clarify and modernize the language, see s. 57

Miscellaneous non-substantive changes

| ISSUE | RECOMMENDATION |
|--|---|
| » Other issues with consistency between the Acts may be identified | » Other miscellaneous, non-substantive amendments to various provisions may be proposed to make them consistent with current drafting standards |

SOLUTION IN PLA

- » Various non-substantive changes to bring the style of both Acts into a merged PLA, that is up to date with current GNWT drafting standards

Consequential amendments

| ISSUE | RECOMMENDATION |
|---|---|
| » Consequential amendments to ensure consistency between changes to both Acts with other GNWT legislation may be identified | » Consequential amendments to other pieces of legislation identified during drafting as a result of these amendments may be proposed if necessary |

SOLUTION IN PLA

- » References to CLA/NWTLA and CL/TL in other Acts are updated through consequential amendments

Compliance requirements

| ISSUE | RECOMMENDATION |
|--|--|
| <ul style="list-style-type: none">» Both Acts primarily provide permission-granting powers and legislative exemptions applicable to government officials and decision-makers. Neither the NWTLA nor the CLA contains enforceable rules or prohibitions. Land administrators have limited legislative options to ensure compliance with, or to require, land tenure instruments or authorizations | <ul style="list-style-type: none">» It is proposed that provisions be added to require compliance with the provisions of any land tenure instrument issued under the legislation» This would give land administrators additional enforcement tools to ensure compliance with the provisions of the Acts and any authorizations or permissions issued under the Acts |

| SOLUTION IN PLA |
|---|
| <ul style="list-style-type: none">» The PLA includes a requirement to comply with the terms and conditions of a disposition, s. 5(2)» The PLA provides inspectors with the authority to issue orders (s. 27) |