



### **Plain Language Summary for Bill 36: *An Act to Amend the Territorial Court Act***

The Government of the Northwest Territories' Department of Justice is seeking to amend the *Territorial Court Act* (the "Act"). The Act establishes the Territorial Court of the Northwest Territories, and includes requirements regarding the formation and composition of a Judicial Appointments Advisory Committee (JAAC). The JAAC is responsible for making recommendations to the Commissioner in Executive Council respecting the appointment of territorial judges.

The Act currently requires that the JAAC be composed of the Chief Judge of the Territorial Court and the next most senior territorial judge, two members of the Law Society of the Northwest Territories appointed by that body, and four persons appointed by the Commissioner in Executive Council who are neither judges nor members or former members of a law society in Canada.

The proposed bill will amend the Act to provide for more discretion in the appointment of a judge other than the next most senior territorial judge to the JAAC. The current language in the Act is restrictive and only provides that the next most senior territorial judge can sit on the JAAC. This could be problematic in cases where it may be impossible for the next most senior territorial judge to sit on the JAAC (in the event of serious illness, disability, conflict of interest, or even planned vacation leave). The JAAC may be frustrated in its work if the legislation is not amended to allow for more discretion to appoint another judge, who may not be the "next most senior territorial judge".

In summary, the proposed bill will amend the Act to provide for more discretion in the appointment of a judge to the JAAC other than the next most senior territorial judge.

The bill was developed in consultation with the Chief Judge of the Territorial Court.

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