



Plain Language Summary for Bill 79: An Act to Amend the Judicature Act

The Government of the Northwest Territories' (GNWT) Department of Justice is proposing amendments to the *Judicature Act* (the Act), which will bring the GNWT into compliance with commitments made under the Canadian Free Trade Agreement (CFTA), and that will also address two additional concerns raised during engagement with the judiciary.

The Minister of Industry, Tourism and Investment, in accordance with Executive Council direction, signed the CFTA on behalf of the GNWT in April 2017. The CFTA entered into force on July 1, 2017, and replaced the former Agreement on Internal Trade. The CFTA was introduced to ensure more consistency with modern international agreements. The CFTA deals with ensuring the free movement of persons, goods, and services, and investments across Canada by removing barriers to internal trade.

Jurisdictions that have signed on to the agreement were required to make monetary orders issued by a CFTA dispute resolution panel enforceable in their superior courts within 18 months of the effective date of the CFTA (by January 1, 2019).

In accordance with the CFTA, the GNWT must ensure that:

- (i) an order against the GNWT for costs of a dispute or for monetary penalties in a dispute can be enforced in the same way as an order against the GNWT in the Supreme Court of the NWT; and
- (ii) an order for costs of a dispute against a person/business of the NWT can be enforced in the same way as an order against that person/business in the Supreme Court of the NWT.

Upon engagement with the judiciary on these proposed changes, two additional and unrelated amendments were identified that would improve the Act. These changes are related to providing for how judgements in the Court of Appeal may be dealt with in certain situations. Specifically, the Act will be amended to provide that a Court of Appeal judge who ceases to hold office may grant judgement on pending matters within a certain time frame after the judge ceases to hold office. The Act will also be amended to provide that if a judge who has sat on a panel of the Court of Appeal is for whatever reason unable to continue with a case, the other two judges, if they are unanimous, may render judgement on the appeal. This will serve to avoid the need to re-argue cases in these circumstances.

In summary, the amendments will:

- Make Trade Orders of CFTA Dispute Resolution Panels against the GNWT Enforceable in Court;
- Make Trade Orders of CFTA Dispute Resolution Panels Enforceable Against Persons;

- Provide that a Court of Appeal judge who ceases to hold office may grant judgement on pending matters within six months after the judge ceases to hold office; and
- Provide that if a judge who has sat on a panel of the Court of Appeal is for whatever reason unable to continue with a case, the other two judges, if they are unanimous, may render judgement on the appeal.

For additional information or questions, contact:

Meagan Birch

Director of Policy and Planning

Justice

Call: (867) 767-9256 ext. 82080

meagan_birch@gov.nt.ca