



STATEMENT OF CONSISTENCY

Bill 33: *Technical Safety Statutes Amendment Act*

Sponsoring Minister: Vince McKay

Explanatory Note

Subsection 6(1) of the *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*, SNWT 2023, c. 36 (“*UNDRIP Implementation Act*”) requires the Government of the Northwest Territories (“GNWT”), in collaboration and cooperation with Indigenous peoples, to take all reasonable measures to ensure the laws of the Northwest Territories (“NWT”) are consistent with the Declaration set out in the Schedule of the *UNDRIP Implementation Act*.

Subsection 8(1) of the *UNDRIP Implementation Act* requires the Attorney General to prepare a Statement of Consistency on behalf of the sponsoring Minister of a bill, indicating whether or not the bill is consistent with the Declaration and the rights recognized and affirmed under section 35 of the *Constitution Act, 1982*. The sponsoring Minister must table the Statement of Consistency before the second reading of the bill in the Legislative Assembly.

A Statement of Consistency is not required if an exception under subsection 8(3) of the *UNDRIP Implementation Act* applies.

A Statement of Consistency provides legal information to the Legislative Assembly about the bill’s potential impacts on rights of Indigenous peoples set out in the Declaration and the potential impacts on rights recognized and affirmed under section 35 of the *Constitution Act, 1982*. It is not intended to be a comprehensive overview of all conceivable inconsistencies with Indigenous and Aboriginal rights. A bill may see several amendments between second reading and its ultimate passage through the Legislative Assembly. Additional considerations relevant to the consistency of a bill with the Declaration and the rights recognized and affirmed under section 35 of the *Constitution Act, 1982* may arise through that process. A Statement of Consistency will not reflect an analysis of those changes.

Background

The Bill will combine the regulation of all electro-mechanical fields of work, and the applicable regulated products, into one Act, the *Technical Safety Act*.

The Bill will:

- rename the *Elevators and Lifts Act* to become the *Technical Safety Act*;



- move provisions from the following Acts into the *Technical Safety Act*:
 - *Boilers and Pressure Vessels Act*;
 - *Electrical Protection Act*;
 - *Gas Protection Act*; and
- repeal the *Boilers and Pressure Vessels Act*, the *Electrical Protection Act* and the *Gas Protection Act*.

The Bill will provide a framework that is common to all regulated fields of work, including a registry system, an access to information and disclosure system, a permitting and licensing system, an inspection and enforcement system, general offence provisions and an appeal system.

The *Elevators and Lifts Act* currently regulates amusement rides, passenger ropeways and elevating devices. The Bill will add the following to the list of products to be regulated under the renamed *Technical Safety Act*:

- boilers, pressure vessels and pressure piping;
- boiler, pressure vessel and pressure piping systems or plants;
- refrigeration equipment, systems or plants;
- electrical equipment; and
- gas equipment and gas systems.

In addition to the framework provisions, the Bill also contains provisions specific to different types of regulated work and regulated products. These provisions can be brought into force at different times to progressively integrate the different fields of work into the Act, as the necessary work on regulations is done. Provisions respecting boilers, pressure vessels and pressure piping will be integrated first, followed by those respecting electrical equipment and gas equipment and gas systems.

Application

The Bill applies equally to all residents of the NWT. This Bill should be considered legislation of general application as it does not apply specifically to any Indigenous government or organization in the NWT, nor any lands, waters or resources identified and set out in a land, resources or self-government agreement based in the NWT.

Impacts on Rights under the Declaration and Section 35 Aboriginal and Treaty Rights

This Bill does not impact rights under the Declaration, such as the right to self-determination and self-government, rights respecting lands, territories or resources, or environmental, economic, health, cultural, religious, language or other rights, nor does it impact Aboriginal and treaty rights recognized and affirmed under section 35 of the *Constitution Act, 1982*.



UNDRIP Statement of Consistency

The Attorney General has examined the Bill for any inconsistencies pursuant to the obligation under subsection 8(1) of the *UNDRIP Implementation Act*. This review involved consideration of the context in which the Bill was created, as well as the text of the Bill.

In reviewing the Bill, the Attorney General is of the opinion that the Bill is consistent with the Declaration and section 35 of the *Constitution Act, 1982*.