

Proposal to enable *Land Act* decisions to be made with Indigenous Governing Bodies

Virtual Consultation Session

Presented by the Ministry of Water, Land and Resource Stewardship



Purpose

• To seek input on a proposal to enable the implementation of the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) agreements with Indigenous Governing Bodies (IGBs) for *Land Act* decisions.



Background

- Declaration Act sections 6 and 7 allow for agreements with Indigenous Governing Bodies (IGBs), including joint and consent decision-making agreements.
- The Declaration Act does not give legal effect to the decision-making power(s) for an agreement, so amendments are required to the legislation containing the decision-making power(s).
- For this reason because it contains the decision-making powers that could be subject to an agreement the *Land Act* requires legislative amendment.
- Information regarding the process to develop proposed legislation is available at https://www.leg.bc.ca/parliamentary-business/bills-and-legislation



Land Act Overview

- Land Act is one of several natural resource statutes within the Province.
- Land Act allows for access and use of public land for 25 separate programs from communication towers to agriculture to waterpower projects.
- Land Act contains several other aspects related to administration of Land Act tenures and land management, as well as other operational matters.
- Currently, the Provincial government Minister identified as responsible for the Land Act is the only decision-maker under the Land Act.

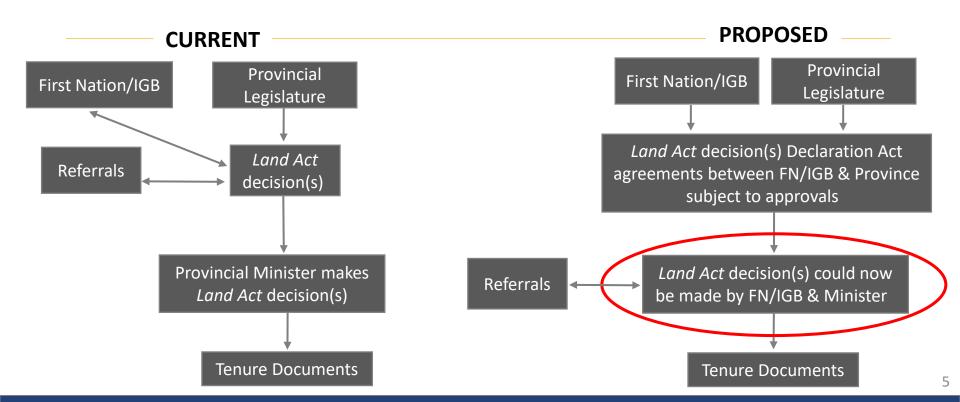


Objective

- Propose Provincial legislative amendments to:
 - Allow the Minister to share Land Act decision-making with IGB's;
 - Align BC Laws with Declaration Act; and
 - Implement the Declaration Act decision-making provisions (sections 6 and 7).
- This is anticipated to support predictable and durable land use decisions by providing a mechanism for Indigenous peoples to fully participate in decisions that affect them.



Objective





Policy intent of proposed *Land Act* amendments

- Proposed amendments would:
 - Amend the Land Act to enable agreements with IGB's to share decision-making about public land use, where mandated.
 - Shared decision- making through joint or consent models recognizes
 Declaration Act section 6 or 7 agreements.
 - Provide Cabinet with the ability to establish processes to implement the agreements in a timely and repeatable manner.
 - Ensure agreements have force of law.
- Mandates for Land Act decision-making agreements will require analysis of policy and legislation and are subject to approvals.



Timeline

- Early January virtual engagement sessions input opportunity
- Up to March 31, 2024: EngageBC site open input opportunity
 - https://engage.gov.bc.ca/govtogetherbc/engagement/land-act-amendments/
- Early February to March: Bill drafting input opportunity
- Spring Legislative Session April 22 through May 16 Bill introduced



Next steps

- Continued communication as the Province moves forward with these proposed amendments.
- Seek government approval to prepare legislative amendments to be introduced to the Legislative Assembly in spring 2024.



Discussion:

- 1. What are your thoughts, concerns or questions?
- 2. What resonates with you?
- 3. What is missing?

For comments/input:

https://engage.gov.bc.ca/govtogetherbc/engagement/land-act-amendments/

Email:

LandActamendments@gov.bc.ca

For information on development of proposed legislation:

https://www.leg.bc.ca/parliamentary-business/bills-and-legislation