

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

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## Virtual Consultation Session

Presented by the Ministry of Water, Land and Resource Stewardship

# Purpose

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- 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

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- 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

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- *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*.

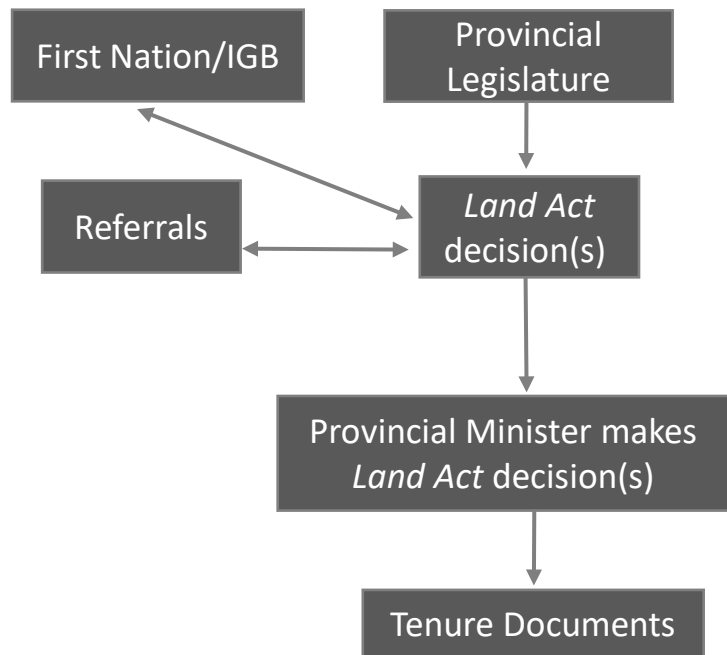
# Objective

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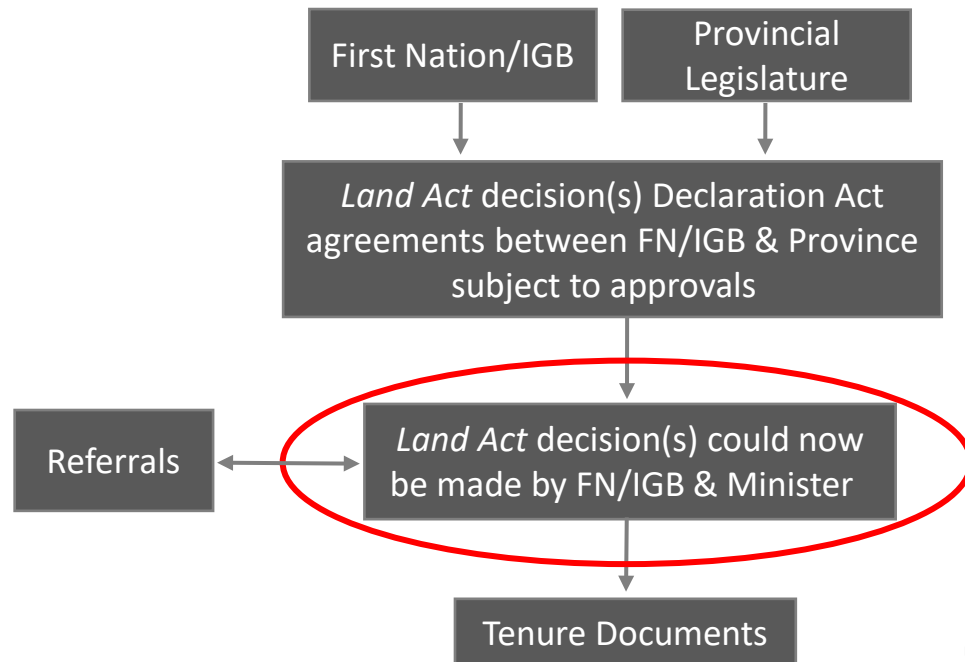
- Propose Provincial legislative amendments to:
  - Allow the Minister to share *Land Act* decision-making with IGB's;
  - Align BC Laws with Declaration Act; and
  - Implement the Declaration Act decision-making provisions (sections 6 and 7).
- This is anticipated to support predictable and durable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

# Objective

## CURRENT



## PROPOSED



# Policy intent of proposed *Land Act* amendments

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- 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

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- 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

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- 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:

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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](mailto:LandActamendments@gov.bc.ca)

## For information on development of proposed legislation:

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