

BILL 46 | PUBLIC LAND ACT

BACKGROUND

In April 2014, the responsibility for managing and administering most public land in the NWT devolved from the federal government to the Government of the Northwest Territories (GNWT). Prior to devolution, the GNWT managed Commissioner's Land under the *Commissioner's Land Act* and the federal government managed Territorial Lands under the federal *Territorial Lands Act*. Through devolution, the GNWT acquired the administration and control of public lands. The GNWT now administers land through the *Commissioner's Land Act* and the *Northwest Territories Lands Act*, which was mirrored from the federal *Territorial Lands Act*.

In 2017, the Department of Lands reviewed the *Northwest Territories Lands Act* and the *Commissioner's Land Act* to identify potential administrative and technical changes to the two Acts with the following objectives in mind:

- » align the two land administration regimes
- » enhance consistency in the application of the legislation
- » clarify legislative authorities
- » modernize legislation by removing or updating out-dated provisions or terminology
- » minimize operational challenges in land administration
- » ensure legislation reflects current risks, practices and standards
- » provide clarity and transparency to land users

Public Engagement on the Review of the Northwest Territories Lands Act and Commissioner's Land Act

In June 2017, the Department of Lands released a discussion paper titled "*Engagement Paper: A Review of the Commissioner's Land Act and the Northwest Territories Lands Act*." The engagement paper outlined issues identified by NWT residents, political leaders and land administrators with the *Northwest Territories Lands Act* and *Commissioner's Land Act*. The engagement paper also recommended actions to address these issues and improve clarity and consistency for all land users. Over the summer of 2017, the Department actively sought input from Indigenous governments and organizations, community governments, non-governmental organizations and the public through open houses in regional centres, one-on-one meetings with interested groups and online feedback gathered through the Department's website.

The Department received comments and questions through online submissions, emails, letters and phone calls from a wide range of interested parties, including: individuals, stakeholders, interested parties, Indigenous governments and organizations, federal government departments, land and water boards and non-governmental organizations with interests in the environment and resource development.

Overall, public engagement showed support for this initiative. The feedback was summarized in a report called "*Engagement Summary Report: What We Heard*" and can be found on the Department of Lands' website.

Throughout the drafting process, the GNWT reviewed and considered all input received during engagement.

Drafting the Bill

The Department of Lands initially proposed to make amendments to both the *Northwest Territories Lands Act* and *Commissioner's Land Act*: however, during the drafting process it became clear that the two amended Acts would contain almost identical provisions. This presented the opportunity to merge the *Northwest Territories Lands Act* and *Commissioner's Land Act* into one Act to govern public land while maintaining the original purpose of the amendments. The feedback from engagement supported merging the two Acts, so following an assessment of the challenges and opportunities, it was decided to proceed with the drafting of a merged Act. This approach provides the added benefit of simplifying the regime and providing clarity and consistency for NWT residents, resulting in the proposed Public Land Act.

The focus was to ensure that there is a consistent and clear legislative foundation to serve the needs of NWT land users, while ensuring business continuity and security of tenure. Merging the two Acts sets the stage for future improvements to the land administration regime under one cohesive legislative framework.

Next Steps

Bill 46 - Public Land Act was introduced in the Legislative Assembly on March 11, 2019. On March 12, the bill passed second reading and was sent to the Standing Committee on Economic Development and Environment, to study, consult with the public, and report back to the Legislative Assembly.

Should Bill 46 pass third reading and receive assent, the PLA will come into force at a later date, by an order. This is to ensure that any necessary revisions to relevant regulations are fully prepared.

During this time, the Department of Lands will continue to work on the development of policies and program requirements that are necessary to support the implementation of the new Public Land Act.