

# **First Nation Virtual Consultation on a Proposal to Enable First Nation Registration of Land in the Land Title Survey Authority Land Title Office**

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**Presented by the Ministry of Indigenous Relations and Reconciliation &  
the Ministry of Water, Land and Resource Stewardship**

# Purpose

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- To engage and consult with First Nations on a proposal to develop a BC-based solution to the issue of First Nations not qualifying to own and register land in their own name.
- To seek initial comments, feedback, and questions about the proposal.

# Background

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- Historic artefact of the colonial regime. While the federal government has authority for land reserved for First Nations, the *Indian Act* does not confer the full powers of a natural person on *Indian Act* bands except in limited circumstances. B.C. requires these powers to register land.
- *Indian Act* bands are unable to register land in B.C.'s Land Title Office and must rely on proxies (e.g., corporations, societies, etc.) to hold land on their behalf.
  - First Nations with Modern Treaty Final Agreements and First Nations with self-government agreements are already able to register land in B.C.'s Land Title Office.
- The Province has legislative authority for property and civil rights, including the establishment and management of the Province's land title system, and can make changes to remedy this issue.

# Objective

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- Propose provincial legislative amendments to:
  - Address a discriminatory barrier to ownership of land by using the existing legal framework while working to implement the *Declaration Act*;
  - Enable First Nations that are recognized as legal entities under federal law to acquire, hold, and dispose of fee simple land or other land interests in B.C. in their own name;
  - Enable First Nations to have a **choice** how to register land;
  - Reduce administrative barriers First Nations face when seeking to register land.

# Proposal – In Scope

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- All First Nations that are legal federal entities, including all *Indian Act* Bands, and any federal self-government legislatively created successor entities.
- Includes First Nations in Canada without reserve land in B.C. if they are recognized under federal law.
- Land refers to fee simple land and other land interests.
- First Nations would be subject to the same requirements as companies and individuals that own fee simple land – which is currently the case for land First Nations own now via a proxy holding entity (e.g., corporation, society, etc.).

# Proposal – Out of Scope

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- Common law collectives that are not currently recognized as federal legal entities but that can assert Aboriginal title.
- Tribes that are recognized under the laws of the United States.
- Potential changes to the application of provincial property tax on fee simple lands held by First Nations land. This topic is being examined and consulted on separately by the Ministry of Finance.
- Financial or legal relief to support First Nations that wish to re-register land in their own name (from other existing proxy entities).

# Proposed Changes

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- Explore different statutes to amend - consequential amendments to other statutes that reference land interests may be required.
- Confirm in provincial legislation that a First Nation may acquire and dispose of land.
- Seek approval by government to propose legislative changes in spring 2024.
- This proposal does not impact or take away current provisions that are applicable to Modern Treaty First Nations who have the capacity to hold land as part of a treaty.

# Proposed Legislative Intent

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- The proposed provincial legislative amendments would:
  - Define First Nation as meaning a body of First Nation persons recognized as a legal entity under Federal law;
  - Confirm in provincial legislation that a First Nation may acquire and dispose of land;
  - Confirm that enabling of a First Nation to hold land does not relieve an individual who represents a First Nation from liability;
  - Identify administrative requirements to register the land; and
  - Consider risk mitigation measures.



# Next Steps

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- Focused engagement with First Nations based on interests raised during engagement sessions.
- Seek government approval to prepare legislative amendments to be introduced to the Legislative Assembly in spring 2024.

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# Discussion:

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

For more information see: [\\_gov.bc.ca/FirstNationsLandRegistration](https://www.gov.bc.ca/FirstNationsLandRegistration)