

***Lands Act* Statutory Review**

Terms of Reference

The *Lands Act*, SNL 1991 c 36 (the “Act”) came into force on April 1, 1992. While the *Lands Act* does not contain a reference to a statutory review, there have been amendments to various sections of the *Act* since it came into force. The current review constitutes the first comprehensive review of the *Act*. There are sections of the current *Act* that have their origins in previous legislation (i.e. the *Crown Lands Act*).

1. Purpose

To carry out a comprehensive review of the existing *Lands Act* to develop informed recommendations on how to modernize the *Act* and make the Crown lands application process simpler and the service delivery model more effective and provide the recommendations arising from the review to the Minister of Municipal and Intergovernmental Affairs, Government of Newfoundland and Labrador.

2. Guiding Principles

This review will be conducted in an open, transparent and respectful manner. Information related to the review process including the Terms of Reference will be publicly disclosed. The cost of conducting the review will be made publically available, including expense claims for the Committee members. Additionally, information received and recorded by the Committee through the consultation process will be compiled into a “What We Heard” report and released publicly, while ensuring the protection of personal privacy.

3. Review Committee (“Committee”)

The Committee shall consist of three members, all of whom shall be independent from the Lands Branch of the Department of Municipal and Intergovernmental Affairs and who have expertise in the respective areas of:

- law, with specific experience in conducting statutory reviews;
- policy, with significant experience at the management level in policy roles with the Government of Newfoundland and Labrador; and
- business process review, which should include formal LEAN training and certification and/or equivalent education or experience in operational or business reviews.

A chairperson will be named by the minister from among the members.

The Committee, through the chairperson, will report to the Minister of Municipal and Intergovernmental Affairs and will be supported by an Advisory Committee as outlined in section 4.

4. Advisory Committee

4.1 An Advisory Committee will be established to support the Committee, and allow for input and information sharing throughout the review process, with membership as follows:

- ADM for Lands Branch, Municipal and Intergovernmental Affairs;
- Law Society of Newfoundland and Labrador representative(s) as nominated by the Law Society;
- Department of Justice and Public Safety representative(s)
- Director of Communications, Municipal and Intergovernmental Affairs

4.2 Role

The role of the Advisory Committee is to:

- provide support, advice and guidance to the Review Committee;
- review and provide feedback on documents, where requested by the Review Committee;
- impart information sharing to the Review Committee; and
- act as a conduit for the Law Society's input into the review process.

5. Scope of the Work

5.1 The Committee will conduct a comprehensive review of the provisions and operations of the *Act*, as well as business processes and policies that support the operations of the *Act*, which will include, but not be limited to, the following issues:

- Identification of ways to make the *Act* more user friendly so that it is well understood by those who use it and can be interpreted and applied consistently;
- Assessment of the provisions of Section 36 regarding adverse possession (commonly known as "squatters' rights") to determine whether these provisions, and their subsequent interpretation, support the purpose and intent of the legislation or whether changes to these provisions should be considered;
- Assessment of the provisions of Section 7 regarding shoreline reservations to determine their efficiency;
- Assessment of the provisions of Sections 30 to 35 regarding unauthorized occupation and possession of Crown lands in terms of their effectiveness and efficiency;
- Examination of internal business processes and policies that are intended to support the operations of the *Act* in terms of their necessity and efficiency;

- Examination of internal referral/consultation processes (i.e. Crown lands application referrals and Interdepartmental Land Use Committee referrals) that support the operations of the Act in terms of their necessity and efficiency; and
- Examination of current information technology used to support the operations of the Act in terms of their effectiveness and efficiency.

5.2 Public Engagement

- On behalf of the department and subject to the minister’s approval, the Committee will design and deliver public engagement activities to seek input from citizens and stakeholders (including, but not limited to, residents of Newfoundland and Labrador, municipalities, Municipalities Newfoundland and Labrador, Aboriginal governments/organizations, Professional Municipal Administrators, legal professionals, government departments, agencies, and other public bodies).
- The Committee will utilize multiple methods of engagement to provide a flexible, comprehensive consultation process including the use of: in-person public sessions; focus groups with key stakeholders; discussion guides; written submissions; and online feedback.
- Following the consultations, the Committee will publicly report on feedback being received through the release of a “What We Heard” document.

5.3 Jurisdictional Scan

- The Committee will conduct an examination of Canadian practices related to Crown lands and identify opportunities and challenges experienced by other jurisdictions.

6. Final Committee Report and Recommendations

- The Committee will prepare a final report for submission to the minister. The report will include:
 - an executive summary;
 - research and analysis of the jurisdictional scan and leading practices;
 - detailed summary of the public consultation process including aggregate information regarding types and numbers of participants; issues and concerns; emerging themes and recommendations brought forward by citizens and stakeholders; and
 - detailed findings and recommendations for the minister’s consideration.

7. Timelines

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| • Review commences | Week of February 9, 2015 |
| • Public Engagement Process | March 19, 2015 – April 9, 2015 |
| • What We Heard document released | Week of April 20, 2015 |
| • Final Report with Recommendations due | June 1, 2015 |

8. The Department of Municipal and Intergovernmental Affairs will:

- Establish the Terms of Reference for the Committee;
- Select the Committee Members;
- Solicit nominees from the Law Society for the Advisory Committee;
- Select other Advisory Committee members;
- Compensate Committee members;
- Ensure the Committee has access to resources, including accommodations, to conduct its work;
- Establish a link on Municipal and Intergovernmental Affairs website for the consultation process, and maintain the website;
- Ensure departments and agencies participate in the review;
- Determine the location of public consultation sessions;
- Approve the design and delivery of the consultation process; and
- Provide background information related to the administration of the *Act*.

Revised March 4, 2015