

Government Orders

concerns have been expressed which require further clarification.

It may well be that satisfactory assurances can be provided in short order, but to ensure that this bill receives the attention it deserves and is well understood by all affected parties, we believe it merits some time in committee.

• (1540)

Mr. Nelson A. Riis (Kamloops): Mr. Speaker, I am pleased to say a few words at second reading of Bill C-103, an act to provide for repeal of the Land Titles Act and to amend other acts in relation thereto.

At this stage we are discussing the principles of the bill and the major objectives we hope to accomplish by its passage. The main objectives that are being presented here are threefold. One would be repeal of the federal Land Titles Act which will be replaced by territorial legislation and make consequential amendments to existing federal legislation in relation thereto.

My hon. friend who has just spoken indicated that all actions which will give more control of the north to northerners is something we want to encourage and support.

Also, an objective would be to provide for the transfer of legislative responsibility for land titles registration in the Northwest Territories and Yukon Territory to the respective territorial governments which will provide legislative authority for what they are currently administering. This by and large is an updating of a process that has been under way now for some time. This seems to be the appropriate conclusion of that process.

As well, I should indicate that another objective would be to specifically authorize the transfer of public lands in the territories to the commissioners by the Governor in Council and that the retransfer by the commissioners to Canada of lands administered by the commissioners as well.

For background, I simply want to say that the Land Titles Act, originally passed in 1894, almost 100 years ago and amended from time to time, is a federal statute applicable to both the Yukon and Northwest Territories and provides a fundamental legal and administrative system under which all land owners may register their interest in the land.

In 1986 the territorial governments requested in a formal way the transfer of the legislative responsibility for land titles to enable them to update the legislation

affecting their respective jurisdictions. Certain paragraphs of the Yukon Act and Northwest Territories Act provide for the authority for the commissioners in council to make ordinances for property and civil rights and generally all matters of merely a local or private nature. The system of land registration is perceived to be a matter of local concern which is obvious to anyone who has examined and studied the north or particularly spent time in the north.

Once the federal government divests its interest in the field of land titles registration, the territorial governments will then assume complete legislative responsibility in this field.

The proposed transfer of legislative jurisdiction of land titles is certainly consistent with the devolution component of the present government's northern political and economic framework policy which was approved by the cabinet, if my memory serves me, back in June 1987. Of course, this would also transfer provincial type programs to northerners consistent with their ability and readiness to absorb new responsibilities. In light of recent developments that is virtually total now. This particular transfer of responsibilities, which was begun some 20 years ago, completes this process.

The authority of the Governor in Council to transfer lands to the commissioners and the authority of the retransfer of lands to Canada by the commissioners requires some clarification. This issue arises from the lack of any specific statutory authority for the Minister of Indian Affairs and Northern Development and other ministers to recommend to the Governor in Council a transfer of land under a minister's administration to a commissioner. The commissioner's authority to retransfer lands to Canada lacks unfortunately a similar specific statutory authority. The Northwest Territories Act and the Yukon Act are being amended to provide that specific authority and we want to applaud that particular action.

The Land Titles Act controls the registration of land titles under a Torrens system. The Torrens system as we know is one where each transaction concerning a piece of land is submitted for registration. It is then carefully examined and approved before being recorded against the title of that property. All outstanding interests are up to date as recorded on the certificate of title and certified by the land titles office. The government then guarantees the accuracy of this title as shown on the appropriate record. This is what we refer to as the Torrens system.