

The Register of the Domain of the State An essential infrastructure in public land management





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Presentation plan

- Context
- Modernization of the registration system
- Register of the Domain of the State
- Key Success factors
- A quick overview



The protection of land rights in Québec: a mission of the State

On public land

The state, as the owner, establishes and maintains:

- -An inventory of state properties;
- -A register of rights granted and acquired.

On private land The State establishes and keeps. -An inventory of properties (the cadastre); -A register of rights (the Land register).

Public land in Québec it is ...

- 92 % of the territory including :
 - Lands and interior water: 1 397 218 km²
 - Marine territories: 153 313 km²
- More than 300 000 active rights, constraints and protected areas;
- More than 10% of Québec economic activity



Problems on public land

Context:

- Many departments and public agencies according rights or establishing constraints and protected areas
- Large variety of rights and risks of unexpected overlaps
- Scattered land information in many registers
- Insufficient tools to have a complete vision



Problems on public land

- Consequences:
 - Lack of consistency sometimes in government actions on land
 - Possible awarding of conflictual rights with risks of complaints and legal proceedings
 - Land information data hard and costly to obtain without any garanty of reliability



Modernization of the registration system

Objectives:

- Set up a computerized register to constitute an official, complete and integrated source for all information concerning rights in public land
- Promote the coherent management of public land
- Prevent the granting of conflicting rights
- Constitute an inventory of all the properties owned by the government
- Facilitate access to information about rights in public land



Legal Framework

Act respecting the ministère des Ressources naturelles et de la Faune

- **12.2.** The functions and powers of the Minister, as Surveyor-General of Québec, consist in :
 - 1) surveying the lands in the domain of the State and Québec's borders;
 - 2) describing the limits of administrative territories and territories with special legal status, in cases under the Minister's authority;
 - 3) establishing and updating the Register of the domain of the State; and
 - 4) administering the Act respecting land survey (chapter A-22).



Legal framework

Act respecting the lands in the domain of the State

26. As Surveyor-General of Québec, the Minister shall establish and update a public register called the "Register of the domain of the State", [...], in which alienations and acquisitions of land and immovable rights, names of parties, transfers of authority, administration and other rights, natural resource development rights, special legal status under an Act, restrictions on use, management delegations and land surveys are registered.



Legal framework Act respecting the lands in the domain of the State

Deeds to be registered.

27. Except in the cases referred to in section 28, a minister or a public body designated by the Minister must immediately register any deed referred to in section 26, as well as the geographical location and the geometric representation of the land concerned, determined in accordance with the instructions of the Surveyor-General of Québec.



Legal framework: Act respecting the lands in the domain of the State

28. The registrar (Land Register) must send the Surveyor-General the information required to register the deeds of acquisition or alienation of lands or immovable rights by the State that are published in the land register, as well as any other deed concerning the State identified in a list drawn up jointly with the Surveyor-General.



The main features of the register are:

- Simple access (via Internet) and safe operation (public-key government infrastructure)
- Input on an ongoing basis by government departments and bodies
- Input from the Land Register and the cadastral division concerning purchases and sales by the State (to create and up-date the inventory of states properties)
- Access based on spatial reference data



Main principles:

- No change in the responsibilities of Government departments and bodies — They must ensure that the rights they grant are legal and compatible with other existing rights.
- Only a standardized summary information on rights and constraints (including location) is recorded in the RDE
- Requests for registration must :
 - ✓ come from issuers duly accredited with the Office of the Surveyor General
 - comply with the established exchange specifications
 - ✓ be signed electronically.



The new register contains the following information:

- Private and public ownership of land (tenure).
- Transactions concerning public land (via an automated link with the Québec Land Register (private territory)
- Rights of use granted by departments and public bodies and constraints and protected areas established by the State
- All land surveys officialized after the establishment of the new register
- Archive data from the former register



The new Register:

- Simplify processes
- Increase productivity
- Improve coherency in government actions
- Improve access to information
- Give more accurate information
- Improve service delivery



 According to the Strategic Plan of the Departement of National Resources and Wildlife, the registration of active rights (initial loading) should be completed (all rights and constraints registered) by March 2011



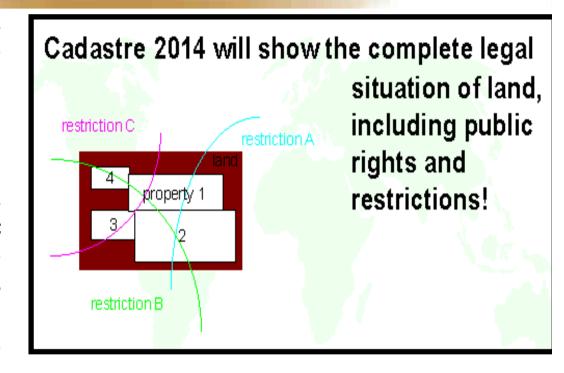
Some success key factors

- Clear support of the authorithies
- Clear legal framework (made on time)
- Main managers engaged full time in the project
- Good planning and follow-up of implementation and communication strategies
- Excellent team to ensure the quality of the solution developed
- The development team should count on available managers to give a clear vision of needs.



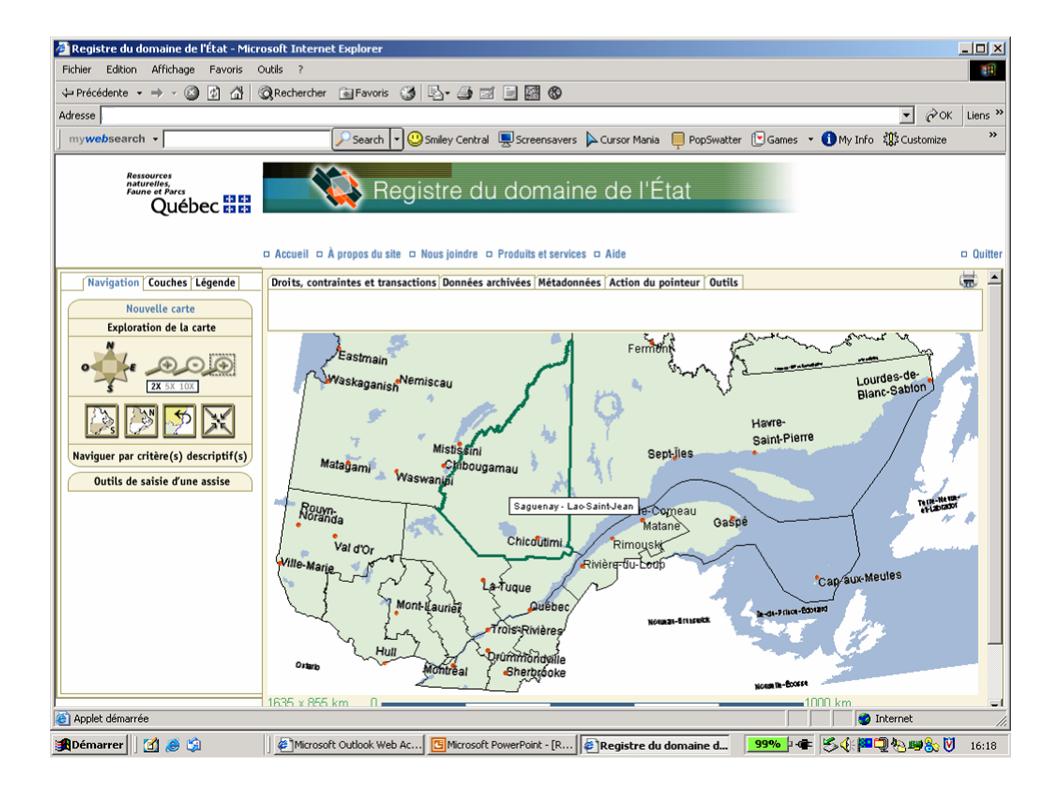
A concrete example of the Cadastre 2014

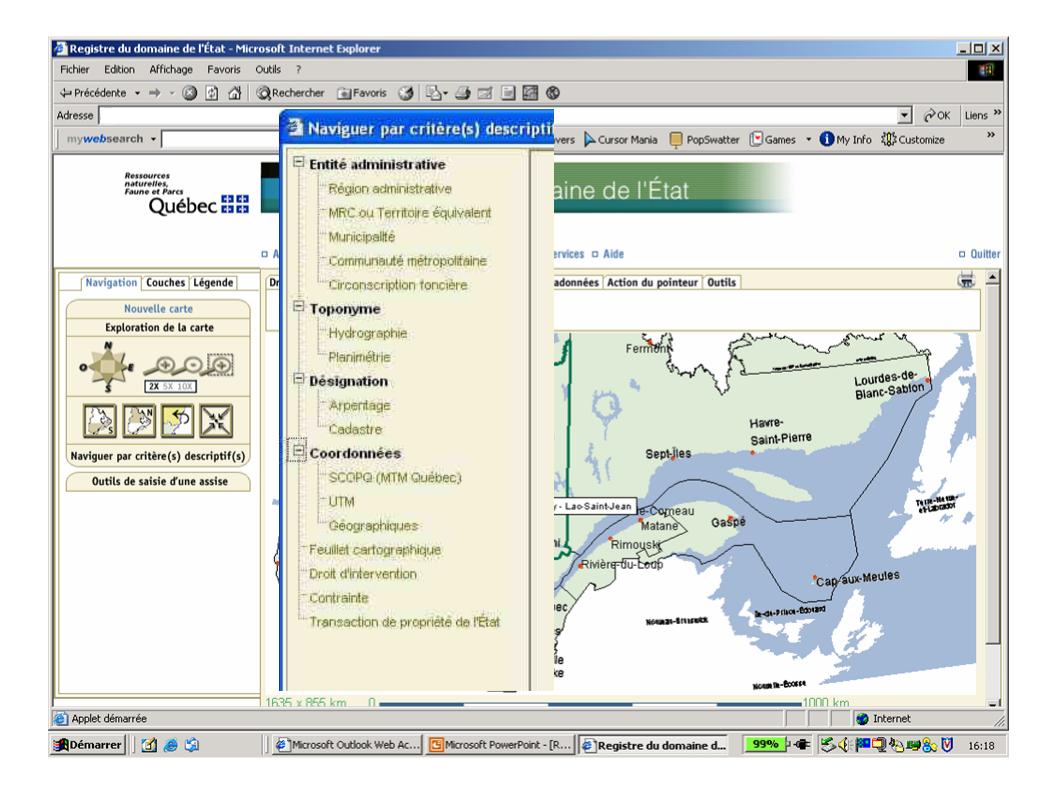
- FIG Commission 7 has described its vision of the cadastre of the future, known as Cadastre 2014.
- This sets out the full legal situation of a given territory, including rights and restrictions of public right, and abolishes the separation between maps and registers.
- The Register of the Domain of the State is therefore a concrete example of the Cadastre 2014 approach, as applied to public land.

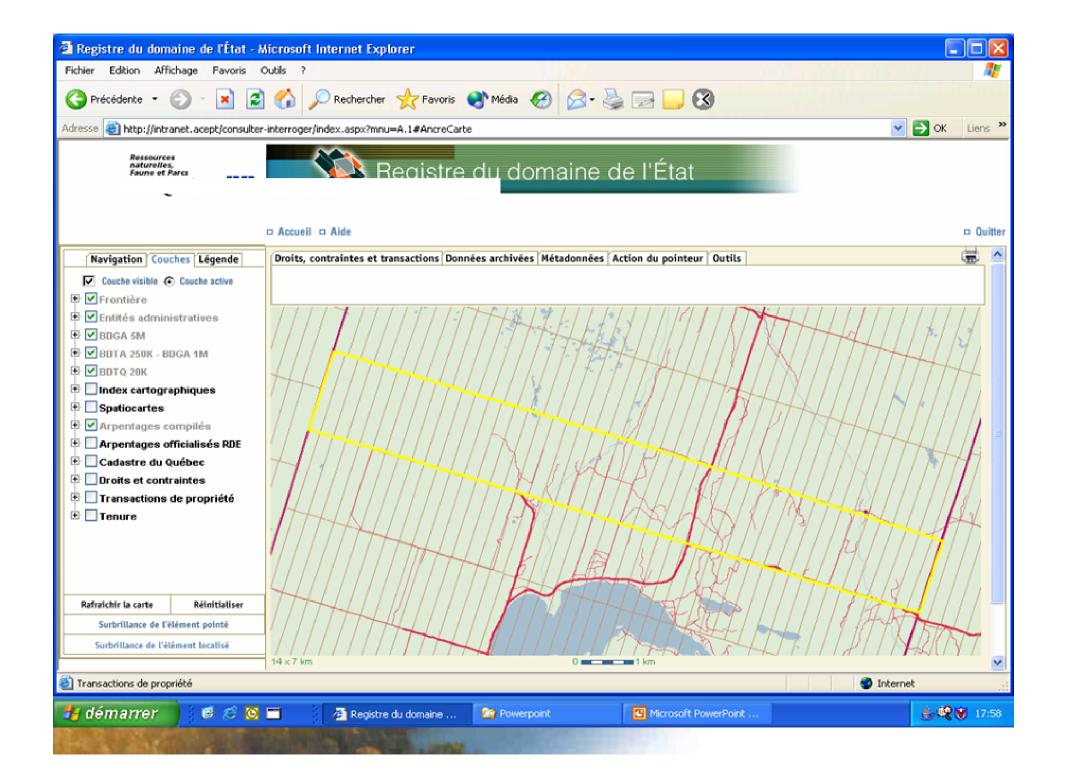


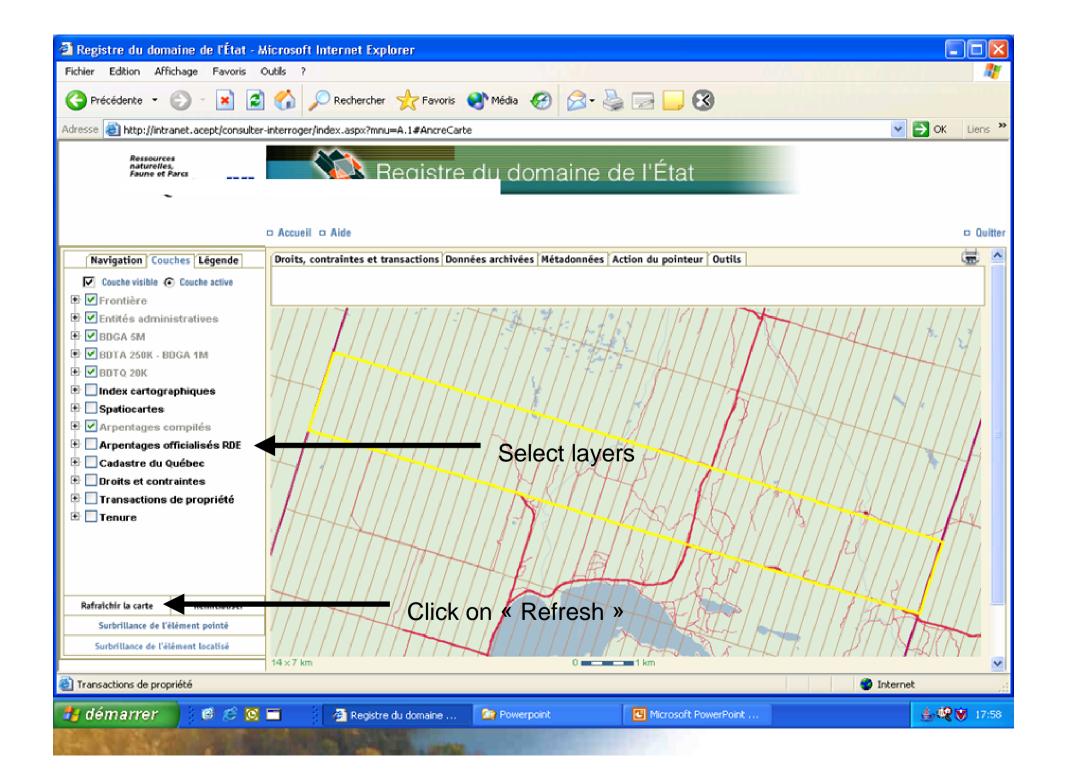
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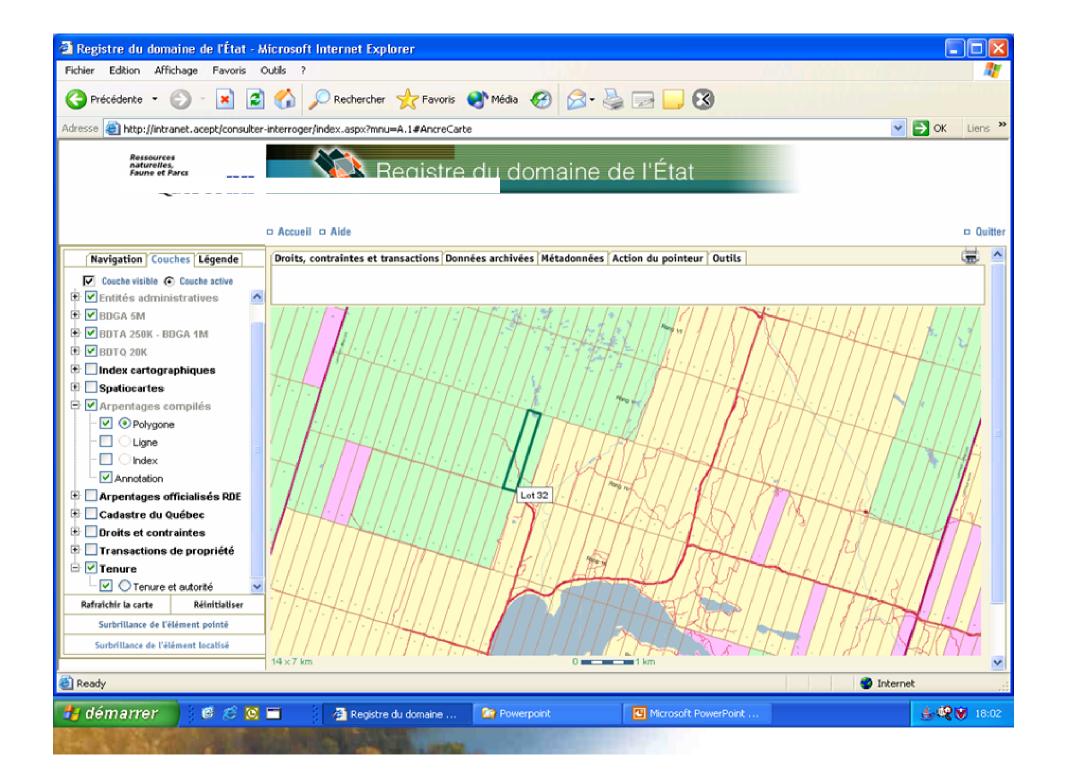




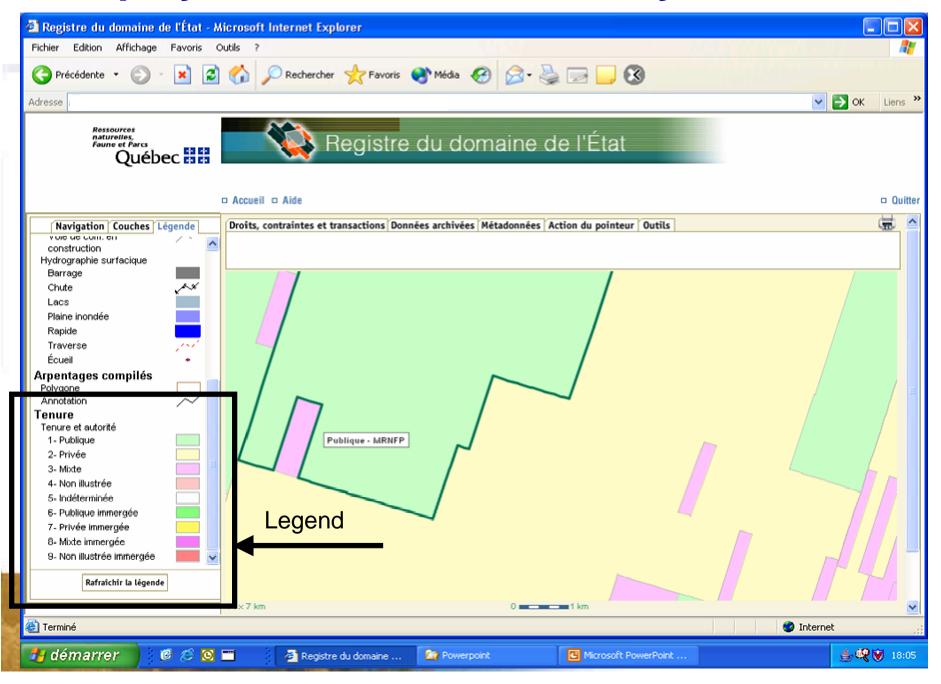


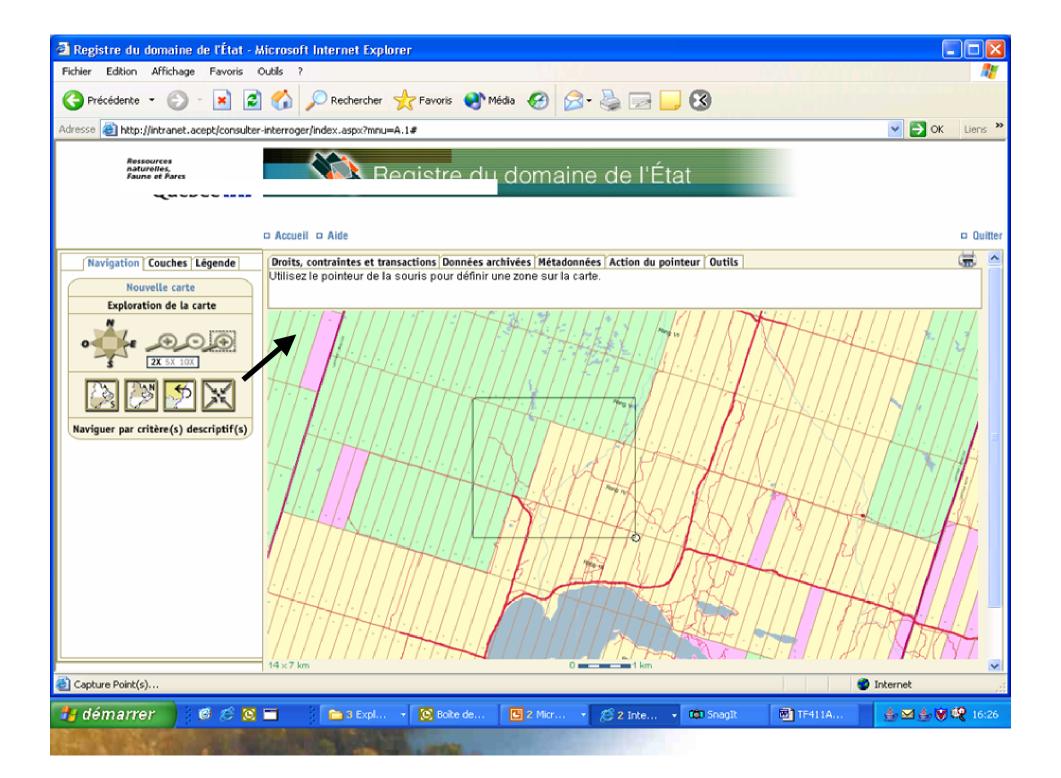


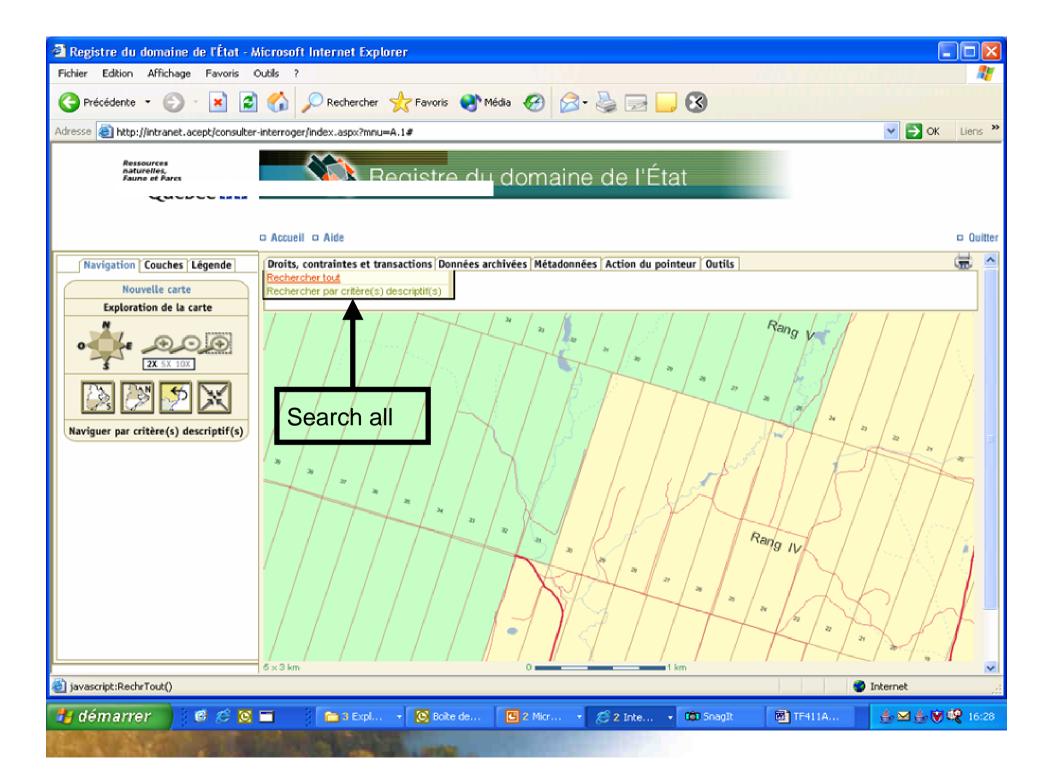


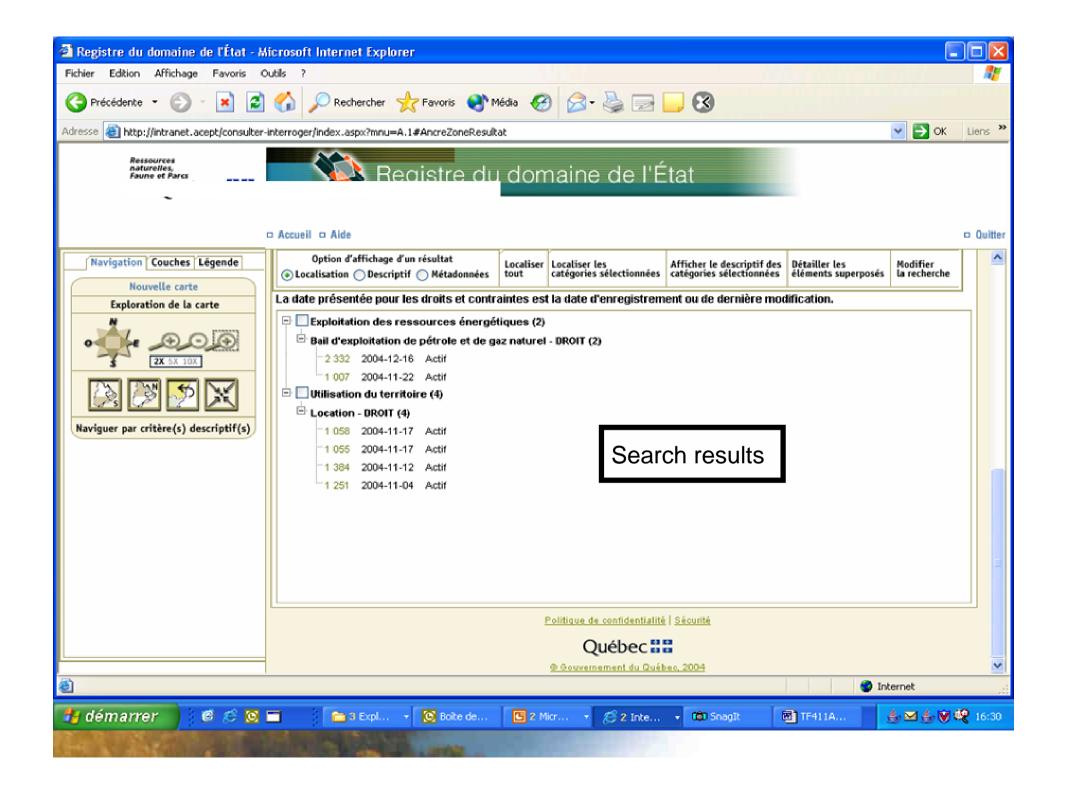


Display « Tenure and Authority »

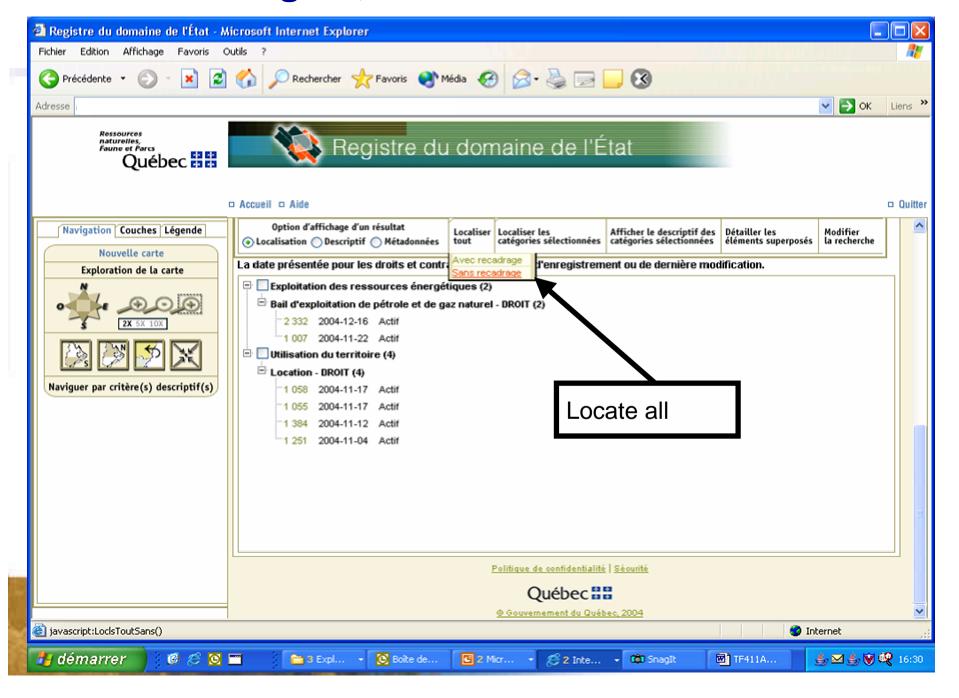




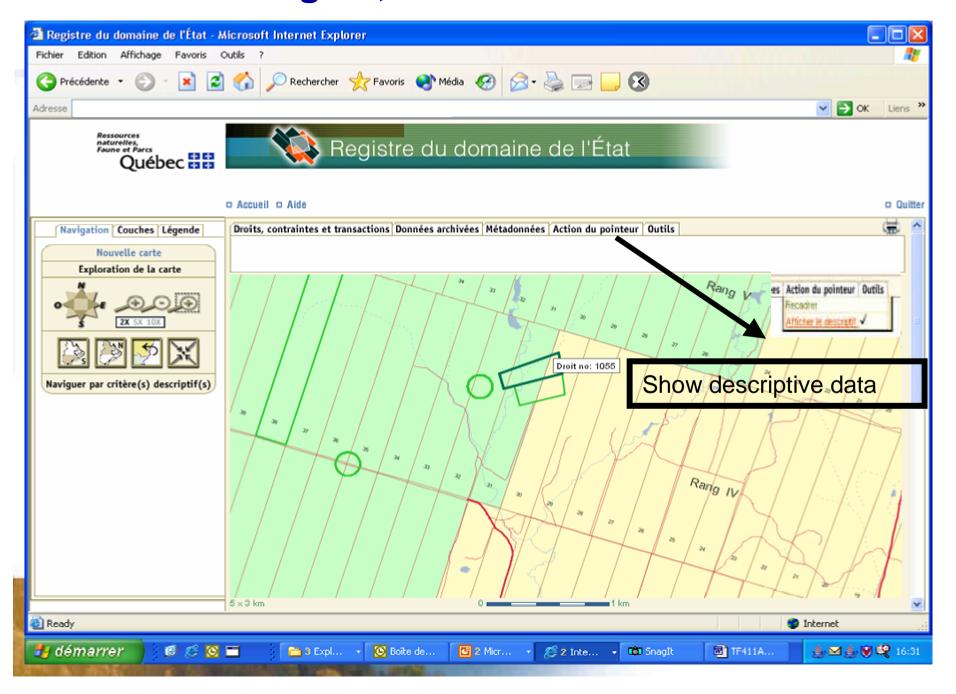




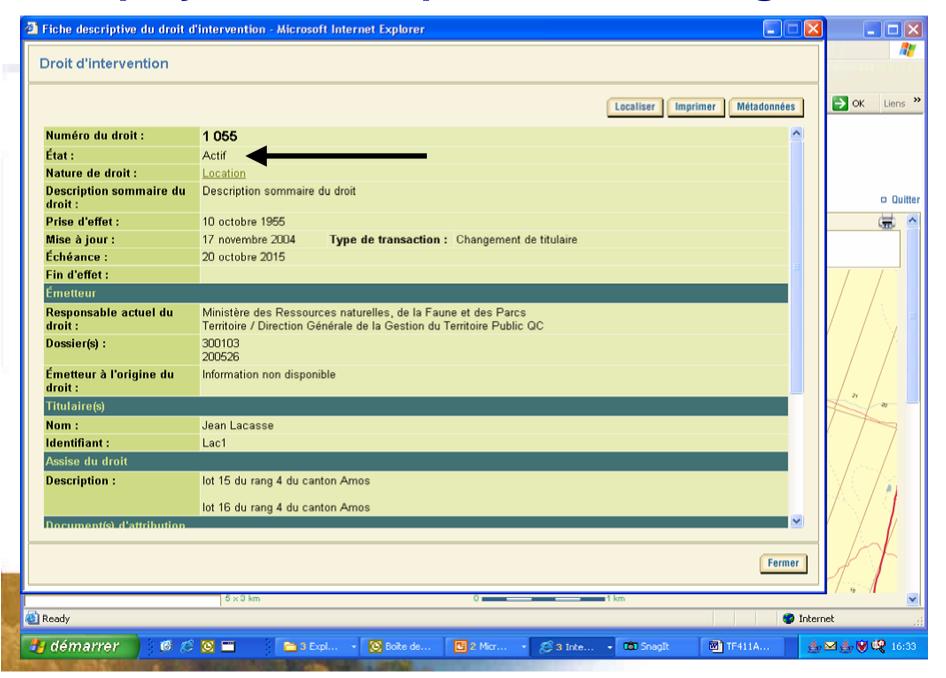
Search for rights, constraints and transactions



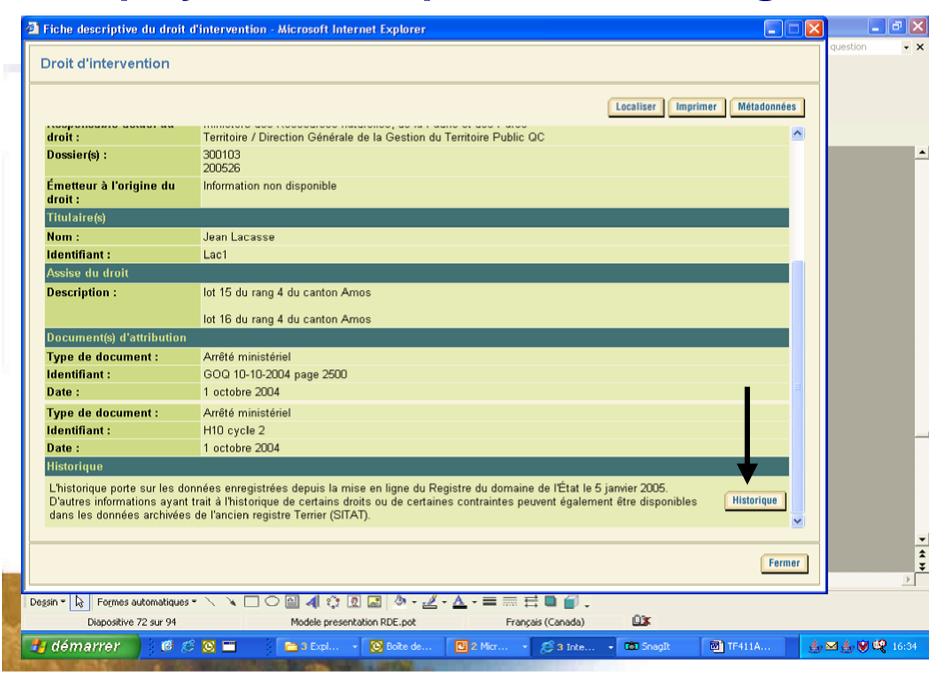
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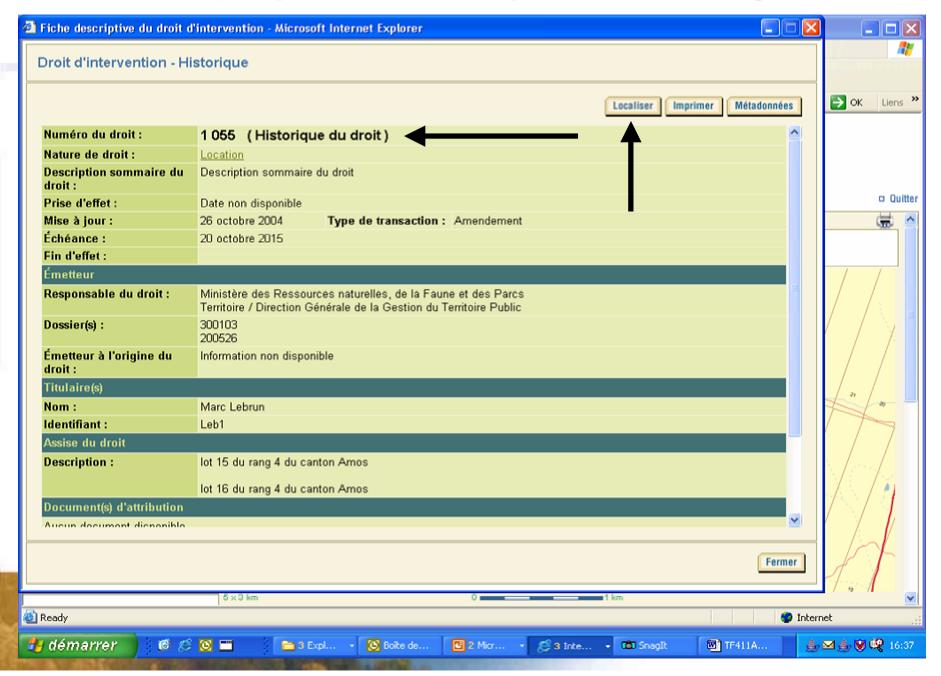
Display the Description File of a Right



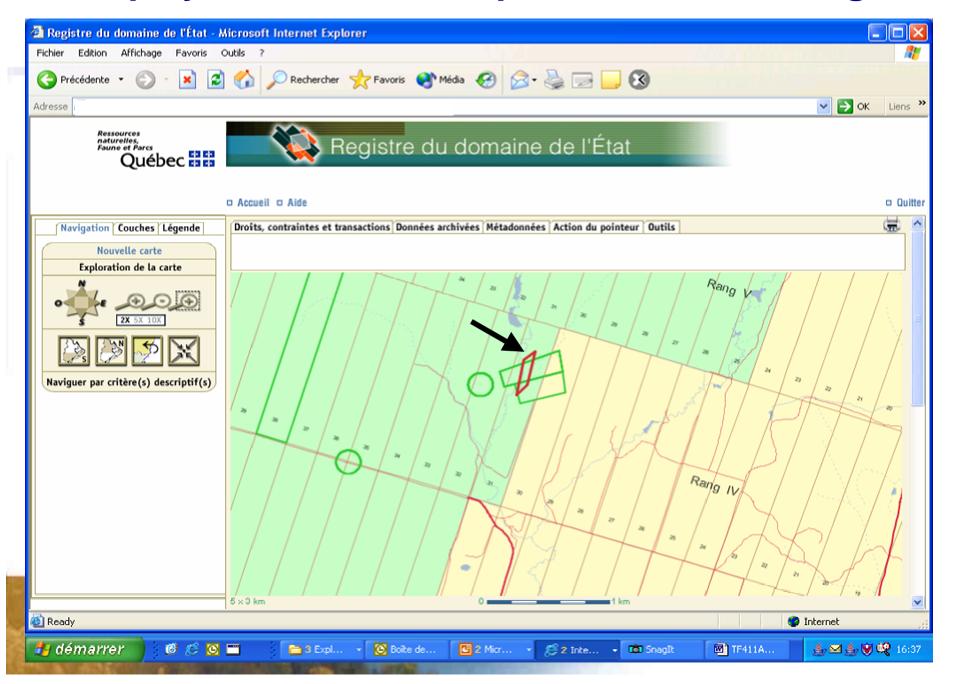
Display the Description File of a Right

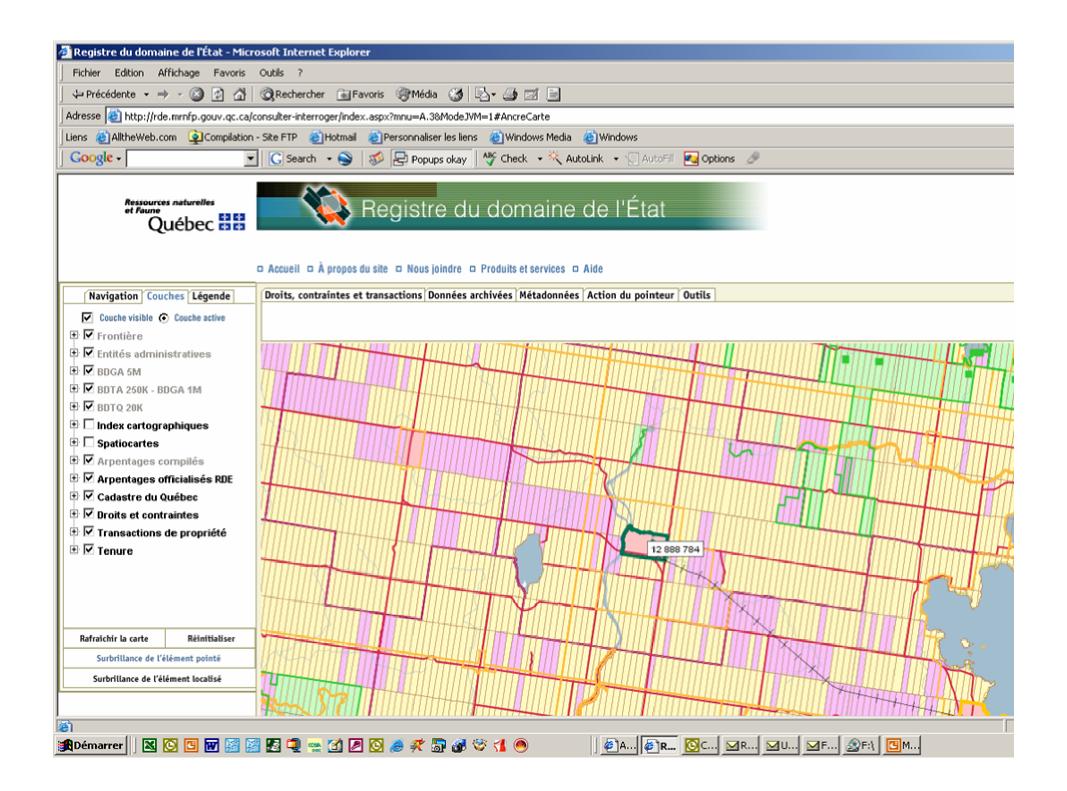


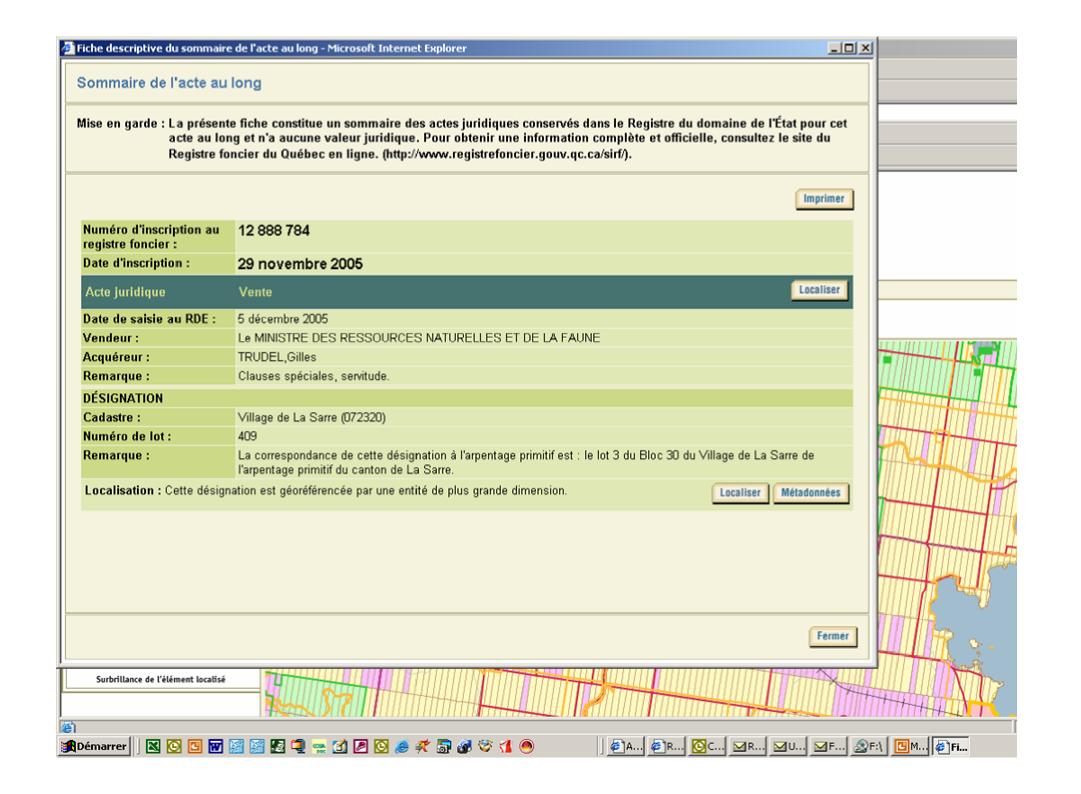
Display the History File of a right



Display the Previous Representation of a Right







Merci Thank you Grazie

