
Fourth Session, Forty-second Parliament
1 Charles III, 2023
Legislative Assembly of British Columbia

BILL 18

HAIDA NATION RECOGNITION ACT

Honourable Murray Rankin
Minister of Indigenous Relations and Reconciliation

Explanatory Note

This Bill declares that the government of British Columbia recognizes that the Haida Nation has inherent rights of governance and self-determination and that the Council of the Haida Nation is the government of the Haida Nation. The Bill also facilitates the exercise of those rights.

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Haida Nation

- 1 The government of British Columbia recognizes that
 - (a) the Haida Nation has inherent rights of governance and self-determination, and
 - (b) the Council of the Haida Nation is the government of the Haida Nation.

Laws of British Columbia

- 2
 - (1) The purpose of this section is to facilitate the exercise of the rights recognized in section 1 and not to define those rights.
 - (2) The Council of the Haida Nation has the right to act on behalf of the Haida Nation and has the power and capacity of a natural person.

Immunity from legal proceedings

- 3
 - (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against a public official of the Haida Nation because of anything done or omitted in the exercise or intended exercise of the responsibilities of the public official.
 - (2) Subsection (1) does not apply to a public official referred to in that subsection in relation to anything done or omitted in bad faith.

- (3) Subsection (1) does not absolve any of the following entities from vicarious liability arising out of anything done or omitted by a public official referred to in that subsection for which the entity would be vicariously liable if this section were not in force:
- (a) the Haida Nation;
 - (b) the Council of the Haida Nation;
 - (c) an entity established by the Haida Nation or the Council of the Haida Nation to deliver public services or programs.

Transition – society

- 4 (1) In this section, “**society**” means the society incorporated under the *Societies Act* as the Secretariat of the Haida Nation.
- (2) The society is dissolved.
- (3) The rights, property and assets of the society are transferred to and vested in, the obligations and liabilities of the society are transferred to and assumed by and the interests of the society in any agreements are assigned to the Council of the Haida Nation.
- (4) A reference to the society in a record that creates, evidences or otherwise relates to anything transferred or assigned under subsection (3) is deemed to be a reference to the Council of the Haida Nation.
- (5) A transfer or assignment under subsection (3) is effective despite any record or enactment and does not constitute a breach or default of any record or enactment.

Commencement

- 5 This Act comes into force by regulation of the Lieutenant Governor in Council.