
Fifth Session, Forty-second Parliament
2 Charles III, 2024
Legislative Assembly of British Columbia

BILL 25

**HAIDA NATION RECOGNITION
AMENDMENT ACT, 2024**

Honourable Murray Rankin
Minister of Indigenous Relations and Reconciliation

Explanatory Notes

CLAUSE 1: *[Haida Nation Recognition Act, heading to Part 1]* adds a heading.

CLAUSE 2: *[Haida Nation Recognition Act, Part 2]* adds a Part to recognize that the Haida Nation has aboriginal title and provide for various measures relating to reconciliation.

BILL 25 – 2024

**HAIDA NATION RECOGNITION
AMENDMENT ACT, 2024**

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

- 1 The Haida Nation Recognition Act, S.B.C. 2023, c. 24, is amended by adding the following heading before section 1:*

PART 1 – GOVERNANCE .

- 2 The following Part is added after section 4:*

PART 2 – LANDS

Division 1 – Aboriginal Title

Aboriginal title

- 4.1** (1) The government of British Columbia recognizes that the Haida Nation has aboriginal title within the meaning of section 35 of the *Constitution Act, 1982* to land on Haida Gwaii, as described in the Schedule to this Act.
- (2) For certainty, the recognition in subsection (1) engages the honour of the Crown.

Division 2 – Reconciliation Measures

Agreement

- 4.2** The government of British Columbia acknowledges that the Haida Nation has consented, if and as necessary, in the Gaayhllxid • Gíihlagalgang “Rising Tide” Haida Title Lands Agreement, to the measures set out in this Division.

Estates in fee simple

- 4.3** The following interests in and rights in relation to land on Haida Gwaii, whether arising before or after this section comes into force, are confirmed and continued:
- (a) an estate in fee simple;

CLAUSE 2: *[Haida Nation Recognition Act, Part 2 – continued]*

CLAUSE 3: *[Haida Nation Recognition Act, Schedule]* adds a Schedule describing land on Haida Gwaii.

CLAUSE 4: *[Agricultural Land Commission Act, section 2]* is consequential to amendments made by this Bill to the *Haida Nation Recognition Act*.

- (b) an interest in or right in relation to land that derives from, burdens or otherwise relates to an estate in fee simple.

Interim measures in relation to land

- 4.4 (1) The government of British Columbia acknowledges that the measures set out in this section are interim measures and that changes to the laws of the Haida Nation and the laws of British Columbia are necessary to reconcile systems of law and governance on Haida Gwaii.
- (2) Enactments of British Columbia in relation to Crown land continue to apply in relation to land that is held by the Haida Nation in aboriginal title.
- (3) For certainty, enactments of British Columbia that are applied by subsection (2) in relation to land that is held by the Haida Nation in aboriginal title are to be administered consistently with that aboriginal title and section 35 of the *Constitution Act, 1982*.
- (4) Interests in and rights in relation to land on Haida Gwaii, other than interests or rights referred to in section 4.3, are continued.

Act binding on government of British Columbia

- 4.5 Despite section 14 (2) of the *Interpretation Act*, this Act binds the government of British Columbia in relation to land on Haida Gwaii.

3 *The following Schedule is added:*

SCHEDULE

All the land, including foreshore and land covered by water, outlined in blue on the map attached as Appendix B to the Gaayhllxid • Gíihlagalang “Rising Tide” Haida Title Lands Agreement.

Consequential Amendments

Agricultural Land Commission Act

4 *Section 2 of the Agricultural Land Commission Act, S.B.C. 2002, c. 36, is amended by adding the following subsection:*

- (1.2) Subsection (1) does not apply in relation to the *Haida Nation Recognition Act* and, despite section 3 of this Act, the *Haida Nation Recognition Act* prevails to the extent of any conflict or inconsistency with this Act.

CLAUSE 5: *[Escheat Act, section 4.2]* provides for escheated and forfeited land to be transferred to the Council of the Haida Nation.

CLAUSE 6: *[Hydro and Power Authority Act, section 32]* is consequential to amendments made by this Bill to the *Haida Nation Recognition Act*.

CLAUSE 7: *[Park Act, section 2]* is consequential to amendments made by this Bill to the *Haida Nation Recognition Act*.

Escheat Act

5 *The Escheat Act, R.S.B.C. 1996, c. 120, is amended by adding the following section:*

Escheats and forfeitures on Haida Gwaii

- 4.2** (1) The Attorney General may, by order, declare that land on Haida Gwaii that has escheated or become forfeited to the government of British Columbia is vested in the Council of the Haida Nation.
- (2) An order under subsection (1) may be made in relation to land if
- (a) the government of British Columbia holds the land,
 - (b) at least 10 years has passed since the escheat or forfeiture, and
 - (c) an application under section 4 (5) or claim under section 5 (b) (i) or (ii) has not been made in relation to the land or, if made, has been abandoned or finally determined.
- (3) For the purposes of subsection (2) (c), a determination is final if the determination has not been overturned on judicial review, if applicable, or appeal and the time to commence every available judicial review or appeal has elapsed.
- (4) An application for judicial review of a determination under section 5 in relation to land on Haida Gwaii must be made within one year after the determination.
- (5) Land that is the subject matter of an order made under subsection (1) vests in the Council of the Haida Nation at the time, in the manner and subject to the conditions set out in the order.
- (6) Sections 5 (b) (iii), 11 and 12 (c) to (e) do not apply in relation to land on Haida Gwaii.

Hydro and Power Authority Act

6 *Section 32 (7) of the Hydro and Power Authority Act, R.S.B.C. 1996, c. 212, is amended by adding the following paragraph:*

- (m.01) the *Haida Nation Recognition Act*; .

Park Act

7 *Section 2 (1) of the Park Act, R.S.B.C. 1996, c. 344, is amended by adding “the Haida Nation Recognition Act,” after “the Environmental Assessment Act,”.*

Commencement

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