

2024 Bill 209

First Session, 31st Legislature, 3 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 209

RECONCILIATION IMPLEMENTATION ACT

MEMBER ARCAND-PAUL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 209

2024

RECONCILIATION IMPLEMENTATION ACT

(Assented to _____, 2024)

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

Definitions

1 In this Act,

- (a) “Calls to Action” means the calls to action set out in the Summary of the Final Report of the Commission;
- (b) “Commission” means the Truth and Reconciliation Commission of Canada established in accordance with the Indian Residential Schools Settlement Agreement dated May 8, 2006;
- (c) “First Nation” means each of the following:
 - (i) a First Nation that is a party to a Treaty;
 - (ii) an entity prescribed as a First Nation for the purposes of this Act;
- (d) “Government” means of all the following:
 - (i) each member of the Executive Council;
 - (ii) each department that a member of the Executive Council administers;
- (e) “Indigenous Nation” means each of the following:

- (i) a First Nation;
- (ii) an organization in Alberta representing Métis or Inuit People, including an organization that is recognized through a credible assertion process;
- (f) “Indigenous Peoples” means First Nations, Métis and Inuit Peoples in Alberta;
- (g) “Member” means a Member of the Legislative Assembly;
- (h) “Minister” means the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (i) “ministry website” means the publicly accessible website of the department administered by the Minister;
- (j) “prescribed” means prescribed by regulation;
- (k) “reconciliation” means the process of establishing and maintaining mutually respectful relationships between Indigenous Peoples and non-Indigenous Peoples to build trust, affirm historical agreements, address healing and create a more equitable and inclusive society;
- (l) “reconciliation principles” means the principles set out in section 4;
- (m) “Sacred Teachings” means all of the following:
 - (i) respect, courage, love, truth, humility, honesty and wisdom as recognized by Indigenous Peoples as the Seven Sacred Teachings;
 - (ii) teachings that reflect the Blackfoot ways of knowing;
- (n) “Treaty” means all of the following:
 - (i) Treaty 6;
 - (ii) Treaty 7;
 - (iii) Treaty 8;
- (o) “truth and reconciliation action plan” means the action plan made in accordance with sections 9 and 10.

Purposes

2 The purposes of this Act are

- (a) to hold the Government accountable for its responsibilities in respect of reconciliation by requiring it to commit to the following:
 - (i) advancing reconciliation through the delivery of its programs and services;
 - (ii) ensuring that all Government decisions are made in accordance with reconciliation principles;
 - (iii) transparently acting on the Calls to Action by establishing and reporting on specific measures implemented in respect of those actions, and
- (b) to ensure that meaningful and honourable consultation, guided by decisions of the Supreme Court of Canada, is conducted before the enactment of proposed legislation of general application.

Non-derogation of constitutional duties

3 Nothing in this Act, including provisions relating to consultation with Indigenous Nations in respect of proposed legislation, derogates from any of the Government's fiduciary duties owed to aboriginal peoples arising from the honour of the Crown and affirmed under section 35 of the *Constitution Act, 1982*, including as specifically provided for in a Treaty or as confirmed by a decision of the Supreme Court of Canada.

Reconciliation principles

4 The following principles are intended to advance reconciliation:

- (a) guidance from the Sacred Teachings;
- (b) respect for Indigenous Nations and Indigenous Peoples based on an awareness and acknowledgement of the history and rights of Indigenous Peoples including
 - (i) the inherent rights of Indigenous Peoples,
 - (ii) the aboriginal rights and treaty rights of aboriginal peoples recognized and affirmed in section 35 of the *Constitution Act, 1982*, and
 - (iii) decisions of the Supreme Court of Canada in respect of the rights of Indigenous Peoples;

- (c) an appreciation for Indigenous Peoples' languages, cultures, practices and legal traditions;
- (d) purposeful and respectful engagement with Indigenous Peoples;
- (e) a deeper understanding of the historical and current relationships between Indigenous Peoples and non-Indigenous Peoples;
- (f) an understanding of the hopes and aspirations of Indigenous Peoples;
- (g) a commitment to concrete and constructive actions that improve the present and future relationships between Indigenous Peoples and non-Indigenous Peoples.

Ministerial program and service delivery

5 The Minister must establish and maintain measures designed to advance reconciliation in the delivery of programs and services administered by the Government.

Cabinet decision-making

6 Before making a decision, the Executive Council must consider reconciliation principles as factors relevant to the making of that decision.

Statutory decision-making

7 A public officer or member of the Executive Council who is authorized to make a decision under an Act must, despite that or any other Act and before making that decision, consider reconciliation principles as factors relevant to the making of that decision.

Minister duties

8 The Minister must do the following:

- (a) make recommendations to the Executive Council about measures designed to advance reconciliation in the delivery of the programs and services administered by the Government;
- (b) promote initiatives to advance reconciliation;
- (c) promote recognition of the contributions of Indigenous Peoples, including their values, cultures and ways of being, to the Province's history and identity;
- (d) make recommendations to the Executive Council about financial priorities and resource allocation across the Government required to advance reconciliation.

Truth and reconciliation action plan

9(1) Within 3 months of the coming into force of this Act, the Minister must, in accordance with this section

- (a) establish an action plan to implement the Calls to Action to the extent that a Call to Action is within the authority of the Government to implement, and
- (b) publish the action plan on the ministry website.

(2) The truth and reconciliation action plan must

- (a) set out immediate and long-term measures that the Government must take in respect of the Calls to Action referred to in subsection (1)(a), and
- (b) in respect of each measure, establish a method to evaluate the measure.

(3) In establishing each proposed measure and its evaluation method, the truth and reconciliation action plan must do each of the following:

- (a) consider the role of all sectors of society in reconciliation, including members of the public and corporations;
- (b) build on engagement with Indigenous Peoples about past, present and future relationships between Indigenous Peoples and non-Indigenous Peoples.

(4) The Minister must consult Indigenous Peoples in the development of the truth and reconciliation action plan.

Revision to truth and reconciliation action plan

10 Within 2 years of the publication of the truth and reconciliation action plan under section 9(1)(b), the Minister must do each of the following:

- (a) consult Indigenous Nations on the truth and reconciliation action plan;
- (b) revise the truth and reconciliation action plan to the extent necessary based on the consultation conducted under clause (a);
- (c) publish the revised truth and reconciliation action plan on the ministry website.

Report

11(1) The Minister must, before December 31 of each year, complete a report on the Government's progress in respect of achieving the measures set out in the truth and reconciliation action plan.

(2) On completion of the report under subsection (1), the Minister must

- (a) publish the report on the ministry website, and
- (b) table the report in the Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the Assembly's next sitting.

Translation of plan and reports

12 If the Minister is required under sections 9 to 11 to publish the truth and reconciliation action plan or a report, the Minister must, as soon as possible after that publication, publish on the ministry website a translation of the truth and reconciliation action plan or the report into each of the following languages:

- (a) Nēhiyawêwin (Cree);
- (b) Siksiká'powahsin (Blackfoot);
- (c) Isga Owawabi (Stoney Nakoda);
- (d) Nakawēmowin (Saulteaux);
- (e) Denesuliné (Dene);
- (f) Na-dene (Dene);
- (g) Tsúut'ínà Gūnáhá (Tsuut'ina);
- (h) Michif (Métis);
- (i) Kanien'kéha (Mohawk);
- (j) Inuktitut (Inuit);
- (k) any other prescribed language.

Member's duty to consult on proposed legislation

13(1) Before a Member, including a Minister, introduces a bill in the Legislative Assembly, the Member must, in accordance with this

section, meaningfully and adequately consult with Indigenous Nations in respect of each proposal set out in the bill that

- (a) would, if enacted, establish or amend legislation that is a law of general application that affects Indigenous Peoples, and
- (b) is related to a Call to Action.

(2) A Member is considered to have conducted consultation under subsection (1) only if the Member has at least carried out each of the following actions in respect of each proposal set out in the bill:

- (a) notified the leadership of each affected Indigenous Nation of the Member's intention to consult;
- (b) provided a reasonable opportunity to each notified Indigenous Nation to provide, through oral or written submissions, the Indigenous Nation's perspective in respect of each of the following as it relates to the proposal:
 - (i) the appropriateness of the consultation on the proposal;
 - (ii) the Indigenous Nation's view in respect of the proposal;
 - (iii) all proposed amendments to the proposal;
 - (iv) all accommodation requests based on the proposal;
- (c) provided a written response to the leadership of each notified Indigenous Nation as to the outcomes of the consultation and intended accommodation.

(3) On introduction of the bill, the Member must report to the Legislative Assembly on the consultation that the Member carried out in accordance with this section in respect of each proposal set out in the bill.

Translation of Act

14 Within 30 days of the coming into force of this Act, the Minister must publish on the ministry's website a translation of the Act in each of the languages referred to in section 12.

Regulations

15 The Lieutenant Governor in Council may make regulations

- (a) prescribing an entity as a First Nation for the purpose of section 1(c);
- (b) prescribing a language for the purpose of section 12(k).

