

Reasons for Decision: Initiative Petition Approval in Principle

On July 30, 2026, I received an application for the issuance of an initiative petition from applicant Harman Bhangu. The draft Bill that accompanied the application stated as follows:

1. The *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019, c. 44 is repealed.
2. This Act comes into force on the date of Royal Assent.

The *Recall and Initiative Act*, RSBC 1996, c. 398 (the Act) governs applications for the issuance of initiative petitions. Sections 2 and 3 establish the requirements for initiative petition applications. They may be made with respect to any matter within the jurisdiction of the Legislature of British Columbia, the application must include certain information, statements and an application fee, and the draft Bill accompanying the application “must comply with section 2 and be drafted in a clear and unambiguous manner.” There is also a prohibition on concurrent initiatives on substantially similar legislative proposals.

I have considered the application for the issuance of an initiative petition and the requirements of sections 2 and 3 of the Act and I am satisfied that the application meets these requirements.

In particular, I am satisfied that the legislative proposal relates to a matter that is within the jurisdiction of the Legislature as it involves the repeal of provincial legislation that was previously passed by the Legislature. Furthermore, the application satisfies the requirements set out in section 3(2), 3(3), and 3(5) of the Act. I am also satisfied that the draft Bill, which contains two clauses, was drafted in a clear and unambiguous manner.

Beyond the statutory requirements set out in the Act, I also considered the recent jurisprudence from the Alberta Court of King’s Bench in *Athabasca Chipewyan First Nation v Alberta (Chief Electoral Officer)* (2026 ABKB 375). In that decision, the Court found that Alberta’s Chief Electoral Officer had an obligation to refrain from approving an application for a constitutional proposal under Alberta’s *Citizen Initiative Act*, SA 2021, c C-13.2 because, among other reasons, the Crown had a constitutional duty to consult with affected First Nations. However, the factual context and legislative frameworks in British Columbia and Alberta are distinct.

The application that is before me is factually distinct from that at issue in the Alberta decision referenced above. The present application relates to the proposed repeal of provincially-enacted legislation which expressly states it does not abrogate or derogate from the rights recognized and affirmed by section 35 of the *Constitution Act, 1982*,

whereas the Alberta petition involved a constitutional referendum which the Alberta Court of King's Bench had previously found would fundamentally contravene certain numbered treaties and therefore section 35 of the *Constitution Act, 1982*. The subject matter of the draft Bill at issue is different than that of Alberta's proposed constitutional referendum and no such similar Court decision has been made with respect to the proposed draft Bill in British Columbia that would inform my consideration of the present application.

The applicable legislative frameworks are also distinct. The decision of the Chief Electoral Officer under the Act does not, at any point, culminate in a binding decision on the government.

In my view, the process provided for by the Act is distinct from that under Alberta's *Citizen Initiative Act* regarding constitutional referendum proposals because a decision under the Act does not trigger a process that culminates in a referendum that is binding on the Government. A duty to consult, if engaged, rests with the Crown. If such a duty arises as a result of the subject matter of this application for the issuance of an initiative petition, there is opportunity for the Crown to engage in the required consultation at a later stage of the process contemplated by the Act.

For these reasons, approval in principle has been granted on an application for the issuance of an initiative petition.

The petition will be issued on Monday, October 26, 2026, and signature sheets must be submitted to the Chief Electoral Officer by Monday, January 25, 2027.

Pursuant to section 4 of the Initiative Petition Administration Regulation, the title for the initiative, which must be no more than ten words, is "Initiative: Repeal *Declaration on the Rights of Indigenous Peoples Act*". The following is a summary of the initiative: "The draft Bill seeks to repeal the *Declaration on the Rights of Indigenous Peoples Act* and would come into force upon Royal Assent".

— Shipra Verma, *Chief Electoral Officer, British Columbia*

August 27, 2026