



Assembly of Manitoba Chiefs
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FOR IMMEDIATE RELEASE

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AMC VEHEMENTLY DISAPPROVES OF MANITOBA CROWN'S BILL 51, THE *LIMITATIONS ACT*

Treaty One Territory, Manitoba – The AMC vehemently disapproves of the tabling of Bill 51, *The Limitations Act*, which is an example of an abject failure to meet the principles of reconciliation and the honour of the Crown. In drafting Bill 51, the Manitoba Crown failed to consult with any First Nations.

While Bill 51 is a step-up from the current legislation, *The Limitations of Actions Act*, it still fails to meet the Truth and Reconciliation Commission's Call to Action 26, which calls upon "the federal, provincial, and territorial governments to review and amend their respective statutes of limitations to ensure that they conform to the principle that governments and other entities cannot rely on limitation defences to defend legal actions of historical abuse brought by Aboriginal people."

Instead, Bill 51 imposes an ultimate 30-year limitation period for a proceeding respecting existing Aboriginal and Treaty rights that are recognized and affirmed in the *Constitution Act, 1982* or an equitable claim by an Aboriginal people against the Crown. It also bars any claim from proceeding under Bill 51 where the limitation period expired under former limitations period legislation. This means that for most First Nations, historical claims arising prior to the coming into force of Bill 51 have expired due to the 6-year limitation period in former legislation.

AMC Grand Chief Arlen Dumas stated, "the Crown is no ordinary litigant. Placing a limitation period on actions by First Nations against the Crown defeats the purpose of statutes of limitation. The Crown is not entitled to peace and repose in relation to the historical injustices it has perpetuated against First Nations. This is compounded by the fact that evidence of most historical claims is held by the provincial and federal Crowns in their own archives. In addition, First Nations were barred by the Crown from bringing actions under the *Indian Act* until 1951, which makes the imposition of limitations periods against them particularly egregious."

"Bill 51 was also drafted and tabled without any consultation with First Nations in Manitoba. Manitoba states in its press release that it is acting on recommendations made by the Manitoba Law Reform Commission, which received numerous submissions through a public consultation process. This process took place over ten years ago and did not include a single First Nation or First Nations organization in its so-called "consultation process". In supposedly "modernizing" its legislation, the Manitoba government is already behind the times."

"The decades, if not centuries, of historical abuses and injustices caused by the provincial and federal Crown against First Nations cannot be reconciled by the imposition of statutes of limitations for First Nations claims. Bill 51 does not meet the Crown's honourable obligations nor its commitment to reconciliation. The AMC calls upon the Government of Manitoba to amend Bill 51 to remove limitations periods for First Nations claims, similar to the legislation in Ontario and Saskatchewan, and to ban the continued imposition of limitations periods imposed by the former and current statutes of limitation in Manitoba on First Nations historical claims against the Crown," conclude Grand Chief Dumas.

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About the Assembly of Manitoba Chiefs

The AMC was formed in 1988 by the Chiefs in Manitoba to advocate on issues that commonly affect First Nations in Manitoba. AMC is an authorized representative of 62 of the 63 First Nations in Manitoba with a total of more than 151,000 First Nation citizens in the province, accounting for approximately 12 percent of the provincial population. AMC represents a diversity of Anishinaabe (Ojibway), Nehetho / Ininew (Cree), Anishininew (Ojibwe-Cree), Denesuline (Dene) and Dakota Oyate (Dakota) people.