

No. 40

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2nd Session, 14th Legislature, Alberta  
9 Elizabeth II

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## **BILL 40**

A Bill for the Protection of Historical, Archaeological,  
Palaeontological, Ethnic and Meteoric Sites and Objects

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HON. MR. PATRICK

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## **Explanatory Note**

**General.** This Bill will provide a means for the protection and preservation of sites that are of historical, archaeological, palaeontological or ethnic importance and of objects found there. It also provides for the ownership and protection of meteorites.

### **2. Definitions.**

### **3. Designation of sites by Minister.**

### **4. Excavation or alteration of sites without a permit is prohibited.**

# BILL

No. 40 of 1961

An Act for the Protection of Historical, Archaeological, Palaeontological, Ethnic and Meteoric Sites and Objects

(Assented to \_\_\_\_\_, 1961)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** This Act may be cited as "*The Historical and Archaeological Sites Protection Act*".

**2.** In this Act,

- (a) "archaeological object" means an object of archaeological significance;
- (b) "archaeological site" means land of archaeological significance that is designated as such by the Minister;
- (c) "ethnic object" means an object of ethnological significance;
- (d) "ethnic site" means land of ethnological significance that is designated as such by the Minister;
- (e) "historical object" means an object of historical significance;
- (f) "historical site" means land of historical significance that is designated as such by the Minister;
- (g) "Minister" means that member of the Executive Council charged with the administration of this Act;
- (h) "palaeontological object" means an object of palaeontological significance;
- (i) "palaeontological site" means land of palaeontological significance that is designated as such by the Minister;
- (j) "permit" means a valid and subsisting permit issued under this Act.

**3.** The Minister may designate any land as a historical, archaeological, palaeontological or ethnic site.

**4.** No person shall excavate or alter a historical, archaeological, palaeontological or ethnic site or remove any historical, archaeological, palaeontological or ethnic object therefrom, except to the extent that he is authorized to do so under a permit issued under this Act.

**5.** Conditions under which a permit is to be issued.

**6.** Permit holders are required to make reports to the Minister outlining the work done on a site.

**7.** (1) Seizure of historical, archaeological, palaeontological or ethnic objects improperly taken.

(2) Minister may require any objects recovered from a site to be turned over to a public institution.

**8.** Salvage of prehistorical or historical remains likely to be destroyed by commercial or industrial activity.

**5.** (1) Upon application made to him in writing, the Minister may issue a permit to any person

- (a) to excavate or alter a historical site and remove historical objects therefrom,
- (b) to excavate or alter an archaeological site and remove archaeological objects therefrom,
- (c) to excavate or alter a palaeontological site and remove palaeontological objects therefrom, or
- (d) to excavate or alter an ethnic site and remove ethnic objects therefrom.

(2) The Minister may limit a permit as to time and location, and may impose such other terms and conditions as he considers proper.

(3) The Minister may cancel a permit at any time.

**6.** Every permit holder shall within a reasonable time after the close of each season's work and, in any event, not later than the thirty-first day of December of the year in which the work is done, furnish to the Minister in duplicate a progress report containing details of the work done, including

- (a) details of any stratification or other chronological evidence encountered,
- (b) an inventory of all historical, archaeological, palaeontological or ethnic objects found and collected, and
- (c) such other information as the Minister may require.

**7.** (1) Where a historical, archaeological, palaeontological or ethnic object is taken from a site designated under section 3,

- (a) by a person who is not the holder of a permit, or
- (b) by the holder of a permit in contravention of the permit,

the Minister may cause the object to be seized by a person authorized by him and deposited in the custody of a public institution designated by the Minister.

(2) The Minister may direct that any historical, archaeological, palaeontological or ethnic object taken under the authority of a permit be deposited in the custody of a public institution designated by him.

**8.** Where any commercial, industrial or other activity is likely to cause the destruction, inundation or burial of

- (a) any historical or prehistorical remains whether or not part of a historical, archaeological, palaeontological or ethnic site, or
- (b) any land that provides evidence of prehistorical human occupation, industry or veneration,

the person undertaking the activity shall give notice to the Minister of the threatened destruction, inundation or burial

**9.** The landing places of meteorites are protected and title to meteorites is vested in the Crown.

**10.** Warning notices.

**11.** Minister authorized to enter into agreements for the acquisition of sites and marking them.

**12.** Provision is made for the establishment of an advisory board.

and shall afford the Minister such time as he may require for the investigation, recording and salvage of any historical, archaeological, palaeontological or ethnic objects in the area.

**9.** (1) In this section "meteorite" means a stony or metallic body that has fallen to earth from outer space.

(2) Where an object that may be a meteorite falls on any land, whether publicly or privately owned, no person, other than a person authorized by the Minister, shall

- (a) disturb any crater, furrow or other marking of the earth's surface that may have been caused by the object, or
- (b) disturb or remove the object from the place where it fell.

(3) The ownership of every meteorite that falls anywhere in the Province after the commencement of this Act is hereby vested in the Crown.

**10.** The Minister may provide for the erection and maintenance on or near any historical, archaeological, palaeontological or ethnic site of an appropriate notice referring to this Act.

**11.** The Minister may

- (a) acquire or enter into agreement with any government or person to acquire or protect any historical, archaeological, palaeontological or ethnic site or object, and
- (b) develop or enter into agreement with any government or person to develop any such site as a permanent monument by the erection of appropriate buildings, cairns, notices or by other means.

**12.** (1) The Lieutenant Governor in Council may appoint an advisory board to be known as the Historical and Archaeological Advisory Board.

(2) The Board shall consist of not more than seven members

- (a) one of whom shall be recommended by the Provincial Parks Board,
- (b) two of whom shall be recommended by the Historical Society of Alberta,
- (c) two of whom shall be recommended by the Archaeological Society, and
- (d) one of whom shall be recommended by the Department of Geology, University of Alberta.

(3) The members of the Board shall hold office during the pleasure of the Lieutenant Governor in Council.

(4) The Board shall advise and make recommendations to the Minister on any matters to which this Act refers or arising out of the operation thereof.

**13. Self-explanatory.**

**14. Authority to make regulations to carry out purpose of the Act.**

**15. Penalty section.**

**16. Commencement**



(5) The Lieutenant Governor in Council may prescribe the allowances for travelling and other expenses to be paid to members of the Board.

**13.** Subject to *The Public Service Act*, the Lieutenant Governor in Council may appoint such officers, clerks and servants as may be required under this Act.

**14.** The Lieutenant Governor in Council may make regulations to carry out this Act and to meet any cases that arise and for which no provision is made in this Act.

**15.** A person who contravenes this Act or the regulations or a direction of the Minister under this Act is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars or to imprisonment for a term of not more than six months or to both fine and imprisonment.

**16.** This Act comes into force on the day upon which it is assented to.

No. 40

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SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

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## **BILL**

An Act for the Protection of Historical, Archaeological, Palaeontological, Ethnic and Meteoric Sites and Objects.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. PATRICK

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