

1992 BILL 304

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 304

OFFICE OF TREATY COMMISSIONER ACT

MR. TAYLOR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 304
Mr. Taylor

BILL 304

1992

OFFICE OF TREATY COMMISSIONER ACT

(Assented to , 1992)

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

Definitions

1 In this Act,

- (a) "Commissioner" means the commissioner to be appointed pursuant to section 3;
- (b) "federal Minister" means the minister of the federal government charged with administration of the *Indian Act (Canada)*;
- (c) "Indian" means an Indian as defined in the *Indian Act (Canada)*;
- (d) "Indian Association" means the Indian Association of Alberta;
- (e) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (f) "treaty" means a treaty entered into with respect to Indian lands located within Alberta.

Purpose

- 2** The purpose of this Act is to facilitate the resolution of Indian-related issues arising in the Province, including those with

respect to treaties, through the creation of an independent office to foster cooperation and understanding between government and Indian bands and federations.

Appointment	<p>3(1) There shall be appointed a commissioner to be known as the Treaty Commissioner.</p> <p>(2) The Lieutenant Governor in Council shall appoint the Commissioner on the recommendation of the Minister, who shall consult with the federal Minister and the Indian Association in making the recommendation.</p>
Term of office	<p>4 A person appointed as Commissioner holds office for 5 years, and continues to hold office after the expiry of that term until the person is reappointed, a successor is appointed or a period of 6 months has expired, whichever occurs first.</p>
Removal	<p>5 On the recommendation of the Minister, the Lieutenant Governor in Council may at any time suspend or remove the Commissioner from office for disability, neglect of duty, misconduct or bankruptcy.</p>
Salary	<p>6 The Commissioner shall be paid a salary at a rate set by the Lieutenant Governor in Council, who may also prescribe other benefits to be received by the Commissioner.</p>
Office	<p>7 There shall be a department of the public service of Alberta called the Office of the Treaty commissioner consisting of the Commissioner and such persons employed pursuant to the <i>Public Service Act</i> as are necessary to assist the Commissioner in carrying out his or her functions under this or any other Act.</p>
Funding	<p>8(1) Funding for the administration of this Act shall be from amounts appropriated by the government for that purpose.</p> <p>(2) The Minister may negotiate, or enter into shared cost agreements with the federal Minister to administer this Act subject to the approval of the Lieutenant Governor in Council.</p>
Annual report	<p>9 After the end of each fiscal year of the Crown, the Commissioner shall report on the work of his or her office to the Minister, who shall provide a summary of that report to the federal Minister and the Indian Association.</p>
Special report	<p>10 The Commissioner may prepare a special report to the</p>

Minister on any matter of importance or urgency that, in the opinion of the Commissioner, should not be deferred until presentation of the annual report referred to in section 8.

Principles

11 The Commissioner and the Office of the Commissioner must carry out their powers, duties, functions and responsibilities based on the following principles:

- (a) the principle of cooperation among the governments of Alberta and Canada, the Indian Association and other Indian bands and federations in Alberta;
- (b) the principle of fairness, objectivity and equity;
- (c) the principle of issue resolution through impartial involvement in process and policy.

Functions

12 The functions of the Commissioner are:

- (a) to seek achievement of the purposes of this Act and to initiate, organize and administer the development of procedures, policies and services to fulfill the purposes of this Act;
- (b) to assist the federal Minister, the Minister and the Indian Association in resolution of treaty-related and other issues through the identification of common ground and matters impeding settlement and the making of recommendations to all parties;
- (c) to make recommendations in respect of rules of interpretation to be applied to the treaties;
- (d) to arrange, sponsor, chair and report upon meetings called for the purpose of discussing Indian-related issues;
- (e) to establish and direct working groups, joint or otherwise, to undertake specific activities and reviews;
- (f) to initiate and conduct historical and other relevant research and investigation;
- (g) to make presentations to the public and respond to inquiries and requests for information from the public or Indian bands or federations;

(h) to evaluate from time to time any of the procedures, policies or services referred to in this section and to evaluate the progress made towards achievement of the purposes of this Act.

Access to records **13(1)** The Commissioner is entitled to access at all reasonable times to records of the Provincial government for any purpose related to the exercise or performance of the Commissioner's functions and duties under this or any other Act.

(2) A public employee or official shall give to the Commissioner any information, records, reports or explanations that the Commissioner reasonably considers necessary to enable the exercise or performance of the Commissioner's functions and duties under this or any other Act.

(3) When the Commissioner or an employee of the Office of the Commissioner receives information from a person whose right to disclose that information is restricted by law, the Commissioner or employee holds that information under the same restrictions respecting disclosure as governed the person from whom the information was obtained.

Agreements, etc. **14** The Commissioner shall abide by the terms of any accord, agreement or mandate signed by the Indian Association, the federal Minister and the Minister which affects the Commissioner or the Office of the Commissioner, to the extent that those terms are not inconsistent with this Act.