

2000 BILL 2

Fourth Session, 24th Legislature, 49 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 2

FIRST NATIONS SACRED CEREMONIAL OBJECTS REPATRIATION ACT

ASSOCIATE MINISTER OF
ABORIGINAL AFFAIRS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 2

BILL 2

2000

FIRST NATIONS SACRED CEREMONIAL OBJECTS REPATRIATION ACT

(Assented to , 2000)

Table of Contents

Definitions	1
General right to apply for repatriation	2
Effect of repatriation	3
Protection from liability	4
Regulations	5
Blackfoot agreement	6
Coming into force	7

Preamble

WHEREAS Alberta museums have for several decades held sacred ceremonial objects of great spiritual value to First Nations, preserving them for the benefit of future generations; and

WHEREAS First Nations desire the return of sacred ceremonial objects that are vital to the practice of their sacred ceremonial traditions; and

WHEREAS the Crown desires to harmonize the role museums play in the preservation of human heritage with the aspirations of First Nations to support traditional values in strong, confident First Nations communities;

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

Definitions

1 In this Act,

(a) "Blackfoot agreement" means the agreement entered into on January 14, 2000 by

- (i) Her Majesty the Queen in right of Alberta, as represented by the Premier,
 - (ii) Blood Tribe, Peigan Nation and Siksika Nation, as represented by the Chief and Councillors of those First Nations, and
 - (iii) Glenbow-Alberta Institute;
- (b) “First Nation” has the meaning given to it in the regulations;
- (c) “Minister” means the Minister responsible for this Act as determined under section 16 of the *Government Organization Act*;
- (d) “repatriation” means
- (i) the transfer to a First Nation by the Crown of the Crown’s title to a sacred ceremonial object, and
 - (ii) the acceptance by the First Nation of that transfer;
- (e) “sacred ceremonial object” means an object, the title to which is vested in the Crown, that
- (i) was used by a First Nation in the practice of sacred ceremonial traditions,
 - (ii) is in the possession and care of the Provincial Museum of Alberta or the Glenbow-Alberta Institute or on loan from one of those institutions to a First Nation, or is otherwise in the possession and care of the Crown, and
 - (iii) is vital to the practice of the First Nation’s sacred ceremonial traditions.

General right to apply for repatriation

2(1) A First Nation may apply to the Minister in accordance with the regulations for the repatriation of a sacred ceremonial object.

(2) The Minister must agree to the repatriation of a sacred ceremonial object unless, in the Minister’s opinion, repatriation would not be appropriate.

(3) Repatriation may occur under this section only after consultations have been completed in accordance with the regulations.

Effect of repatriation	3 On the repatriation of a sacred ceremonial object under this Act, the First Nation holds the repatriated sacred ceremonial object on behalf of the people of that First Nation.
Protection from liability	4 No action lies against the Crown or the Glenbow-Alberta Institute in respect of any loss or damage arising out of the repatriation of any sacred ceremonial object pursuant to this Act, the regulations or the Blackfoot agreement, or in respect of anything done or omitted to be done in good faith pursuant to this Act, the regulations or the Blackfoot agreement.
Regulations	<p>5 The Lieutenant Governor in Council may make regulations</p> <ul style="list-style-type: none"> (a) defining “First Nation”; (b) respecting the process and procedures to be followed in repatriating a sacred ceremonial object under section 2; (c) respecting who is to represent a First Nation for any purpose relating to the repatriation of a sacred ceremonial object under section 2; (d) respecting the consultations with a First Nation that must be completed for the purpose of section 2(3); (e) respecting the process by which input may be obtained by the Minister from persons other than a First Nation that applies for repatriation under section 2 before a decision is made by the Minister in respect of that application.
Blackfoot agreement	<p>6(1) The Minister agrees</p> <ul style="list-style-type: none"> (a) to the repatriation to the Blood Tribe of each sacred ceremonial object listed in Schedule A to the Blackfoot agreement, (b) to the repatriation to the Peigan Nation of each sacred ceremonial object listed in Schedule B to the Blackfoot agreement, and (c) to the repatriation to the Siksika Nation of each sacred ceremonial object listed in Schedule C to the Blackfoot agreement. <p>(2) The <i>Glenbow-Alberta Institute Act</i> is amended</p>

(a) in section 22 by adding the following after subsection (2):

(3) The Crown may repatriate collection assets in accordance with the *First Nations Sacred Ceremonial Objects Repatriation Act*, and in that event subsection (2) does not apply to those collection assets.

(b) in section 23(1) by striking out “The Institute” and substituting “Unless the collection assets have been repatriated pursuant to section 22(3), the Institute”.

Coming into
force

7 Section 2 comes into force on Proclamation.