

2016 Bill 22

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Second Session, 29th Legislature, 65 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 22**

**AN ACT TO PROVIDE FOR  
THE REPATRIATION OF  
INDIGENOUS PEOPLES'  
SACRED CEREMONIAL OBJECTS**

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THE MINISTER OF CULTURE AND TOURISM

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 22

2016

### AN ACT TO PROVIDE FOR THE REPATRIATION OF INDIGENOUS PEOPLES' SACRED CEREMONIAL OBJECTS

(Assented to \_\_\_\_\_, 2016)

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

**Amends RSA 2000 cF-14**

**1** The *First Nations Sacred Ceremonial Objects Repatriation Act* is amended by this Act.

**2** The title and chapter number of the Act are repealed and the following is substituted:

**INDIGENOUS PEOPLES' SACRED CEREMONIAL  
OBJECTS REPATRIATION ACT  
Chapter I-1.7**

**3** The preamble is repealed and the following is substituted:

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

## Explanatory Notes

**1** Amends chapter F-14 of the Revised Statutes of Alberta 2000.

**2** The title of the Act presently reads:

*FIRST NATIONS SACRED CEREMONIAL  
OBJECTS REPATRIATION ACT*

**3** The preamble presently reads:

*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;*

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

**4 Section 1 is amended**

- (a) in clause (a)(i)(B) by striking out “Peigan Nation” and substituting “Piikani Nation”;**
- (b) by repealing clauses (d) and (e) and substituting the following:**
  - (d) “repatriation” means
    - (i) the transfer by the Crown of the Crown’s title to a sacred ceremonial object to a First Nation or to a representative of Métis or Inuit, and
    - (ii) the acceptance by the First Nation or the representative of Métis or Inuit of that transfer;
  - (e) “representative” has the meaning given to it in the regulations and may not be defined or interpreted to imply a recognition of a representative as the representative of a First Nation, or of a Métis or Inuit interest, for any purpose or matter beyond the scope of this Act;
  - (f) “sacred ceremonial object” means,
    - (i) in relation to First Nations, an object, the title to which is vested in the Crown, that
      - (A) was used by a First Nation in the practice of sacred ceremonial traditions,
      - (B) is in the possession and care of the Royal Alberta Museum 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

*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;*

**4** Section 1(a)(i), (d) and (e) presently read:

*1 In this Act,*

*(a) “Blackfoot agreements” means the following agreements:*

*(i) the agreement entered into on January 14, 2000 by*

*(A) Her Majesty the Queen in right of Alberta, as represented by the Premier,*

*(B) Blood Tribe, Peigan Nation and Siksika Nation, as represented by the Chief and Councillors of those First Nations, and*

*(C) Glenbow-Alberta Institute;*

*(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 Royal Alberta Museum 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.*

- (C) is vital to the practice of the First Nation’s sacred ceremonial traditions;
- (ii) in relation to Métis or Inuit, an object, the title to which is vested in the Crown, that
  - (A) is in the possession and care of the Royal Alberta Museum or the Glenbow-Alberta Institute or on loan from one of those institutions to a representative of Métis or Inuit or is otherwise in the possession and care of the Crown, and
  - (B) meets the additional criteria, including criteria concerning past use and ongoing significance of the object, set out by regulation.

**5 Section 2 is amended**

- (a) in subsection (1) by adding “or a representative of Métis or Inuit” after “A First Nation”;
- (b) by repealing subsection (2);
- (c) in subsection (3) by striking out “under this section” and substituting “under this Act”.

**6 The following is added after section 2:**

**Validation**

**2.1(1)** Any application submitted to the Minister purportedly in accordance with section 2(1) or the regulations referred to in section 2(1) before the coming into force of this section is validated and declared for all purposes to have been validly submitted under section 2(1).

**(2)** Any consultation undertaken, any agreement made and any repatriation or other action that occurred purportedly in accordance with section 2(3) or regulations referred to in section 2(3) before the coming into force of this section is

**5** Section 2 presently reads:

*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.*

**6** Validation.

validated and declared for all purposes to be valid under section 2(3).

**7 Section 3 is repealed and the following is substituted:**

**Effect of repatriation**

**3** On the repatriation of a sacred ceremonial object under this Act

- (a) to a First Nation, the First Nation holds the repatriated sacred ceremonial object on behalf of the people of that First Nation;
- (b) to a representative of Métis or Inuit, the representative holds the repatriated sacred ceremonial object on behalf of the Métis or Inuit interests represented.

**8 Section 4 is repealed and the following is substituted:**

**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, the Blackfoot agreements or other agreements referred to in the regulations, or in respect of anything done or omitted to be done in good faith pursuant to this Act, the regulations, the Blackfoot agreements or other agreements referred to in the regulations.

**9 Section 5 is amended**

**(a) by repealing clause (a) and substituting the following:**

(a) defining any word or expression used but not defined in this Act;

**(b) in clause (b) by striking out “under section 2”;**

**(c) in clause (c) by striking out “under section 2”;**

**(d) by adding the following after clause (c):**



**7** Section 3 presently reads:

*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.*

**8** Section 4 presently reads:

*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 agreements, or in respect of anything done or omitted to be done in good faith pursuant to this Act, the regulations or the Blackfoot agreements.*

**9** Section 5 presently reads:

*5 The Lieutenant Governor in Council may make regulations*

- (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;*

(c.1) respecting who is to represent Métis for any purpose relating to the repatriation of a sacred ceremonial object and respecting the Métis interests represented;

(c.2) respecting who is to represent Inuit for any purpose relating to the repatriation of a sacred ceremonial object and respecting the Inuit interests represented;

**(e) by repealing clause (d) and substituting the following:**

(d) respecting the consultations with a First Nation or a representative of Métis or Inuit that must be completed for the purpose of section 2(3);

**(f) in clause (e) by striking out** “a First Nation that applies for repatriation under section 2” **and substituting** “a First Nation or a representative of Métis or Inuit that applies for repatriation”.

**10 Section 6(b) is amended by striking out “Peigan Nation” and substituting “Piikani Nation”.**

**11 Section 7 is repealed and the following is substituted:**

**Coming into force**

**7** Section 2(1) and (3) are deemed to have come into force on May 12, 2004.

**12 Part 2 of the Schedule is amended by striking out “Peigan Nation” and substituting “Piikani Nation”.**

- (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.*

**10** Section 6(b) presently reads:

*6 The Minister agrees*

- (b) *to the repatriation to the Peigan Nation of each sacred ceremonial object listed in Schedule B to the Blackfoot agreement referred to in section 1(a)(i) and each sacred ceremonial object listed in the agreements referred to in Part 2 of the Schedule to this Act, and*

**11** Section 7 presently reads:

*7 Section 2 comes into force on Proclamation.*

**12** Part 2 of the Schedule presently reads:

*The agreement entered into on June 11, 2001 by the Provincial Museum of Alberta, and the Long Time Trail Historical Society, representing the Peigan Nation.*

**RECORD OF DEBATE**

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To