FIRST NATIONS SACRED CEREMONIAL OBJECTS REPATRIATION ACT

Revised Statutes of Alberta 2000
Chapter F-14

Current as of December 13, 2016

Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the First Nations Sacred Ceremonial Objects Repatriation Act that are filed as Alberta Regulations under the Regulations Act

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Chapter F-14

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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;
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 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;

(ii) the agreements referred to in the Schedule to this Act;

(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 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.

RSA 2000 cF-14 s1;2008 c17 s2

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 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.

Regulations

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;

(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 agreements

6 The Minister agrees

(a) to the repatriation to the Blood Tribe of each sacred ceremonial object listed in Schedule A to the Blackfoot agreement referred to in section 1(a)(i) and each sacred ceremonial object listed in the agreements referred to in Part 1 of the Schedule to this Act,
(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

(c) to the repatriation to the Siksika Nation of each sacred ceremonial object listed in Schedule C to the Blackfoot agreement referred to in section 1(a)(i) and each sacred ceremonial object listed in the agreements referred to in Part 3 of the Schedule to this Act.

RSA 2000 cF-14 s6;2008 c17 s4

Coming into force
7 Section 2 comes into force on Proclamation.

2000 cF-11.2 s7

(NOTE: Section 2 proclaimed in force December 13, 2016.)

Schedule

Part 1

The agreements entered into on the following dates by the Provincial Museum of Alberta, and the Mookaakin Cultural and Heritage Society, representing the Blood Tribe:

June 18, 1998;
November 26, 1998;
July 24, 1999;
September 8, 2000;
March 1, 2001;
May 10, 2001;
July 6, 2001;
July 30, 2001;

Part 2

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.

Part 3

The agreements entered into on the following dates by the Provincial Museum of Alberta, and the Siksika Nation Museum, representing the Siksika Nation:
June 5, 1998;
April 21, 1999;
May 11, 1999;
February 14, 2001;

2008 c17 s5