



Freedom To Create. Spirit To Achieve.

Indigenous Consultation from the Government Perspective

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Honour of the Crown

- The Ministry as a agent of the Crown is obliged to maintain the “Honour of the Crown” in all their dealings with the Indigenous peoples
- To maintain the “Honour of the Crown” Alberta Government must:
 - Always act honorable
 - Must act in good faith
 - Cannot run roughshod over indigenous interests
- In order to maintain the “Honour of the Crown” The government has a duty to consult when a Crown decision has a potential to adversely affect Indigenous rights, treaty rights or traditional uses

What are the Triggers for Consultation ?

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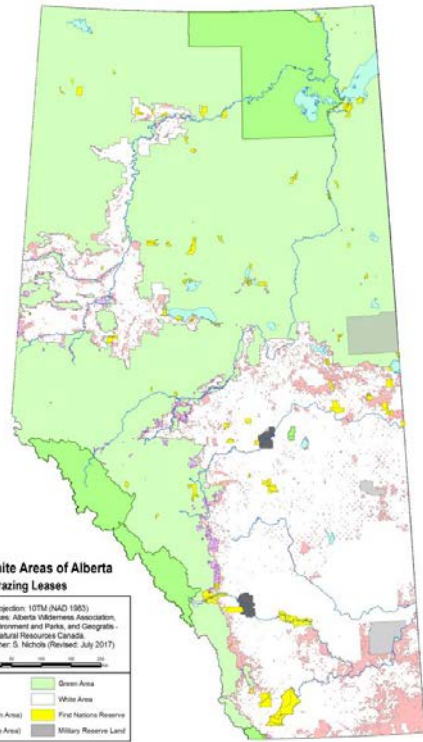
Therefore a duty to consult is triggered when the Crown makes a decision that could impact local indigenous groups ability to practice either Treaty Rights or Traditional Uses on the Landscape

Triggers for Consultation



Triggers for Consultation

The Bureaucrat's Perspective



Province of Alberta

PUBLIC LANDS ACT

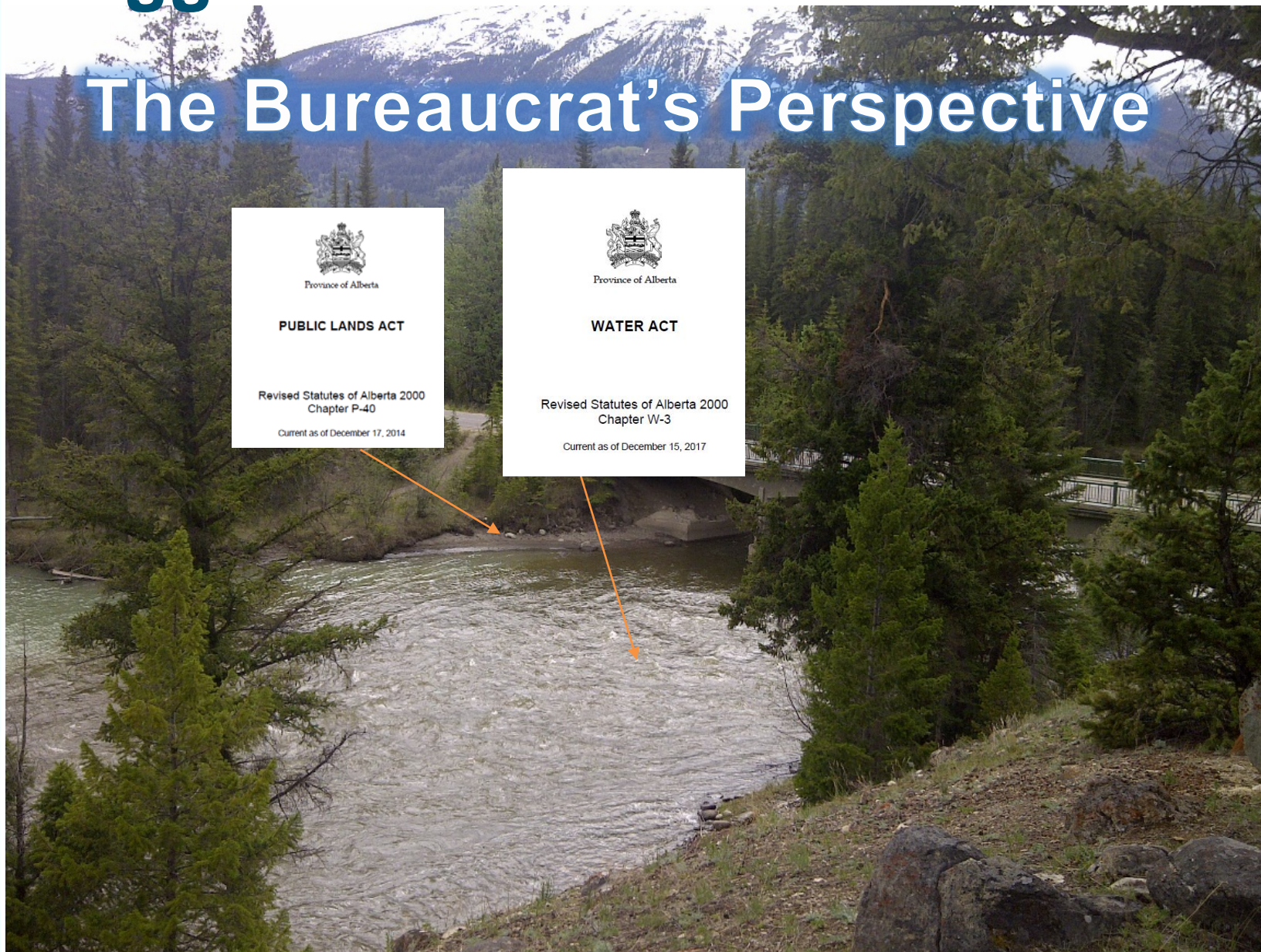
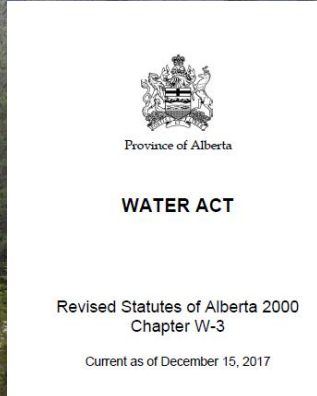
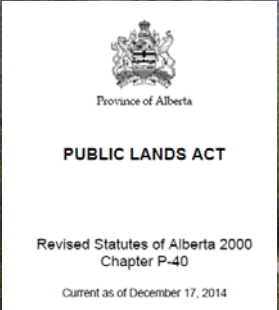
Revised Statutes of Alberta 2000
Chapter P-40

Current as of December 17, 2014



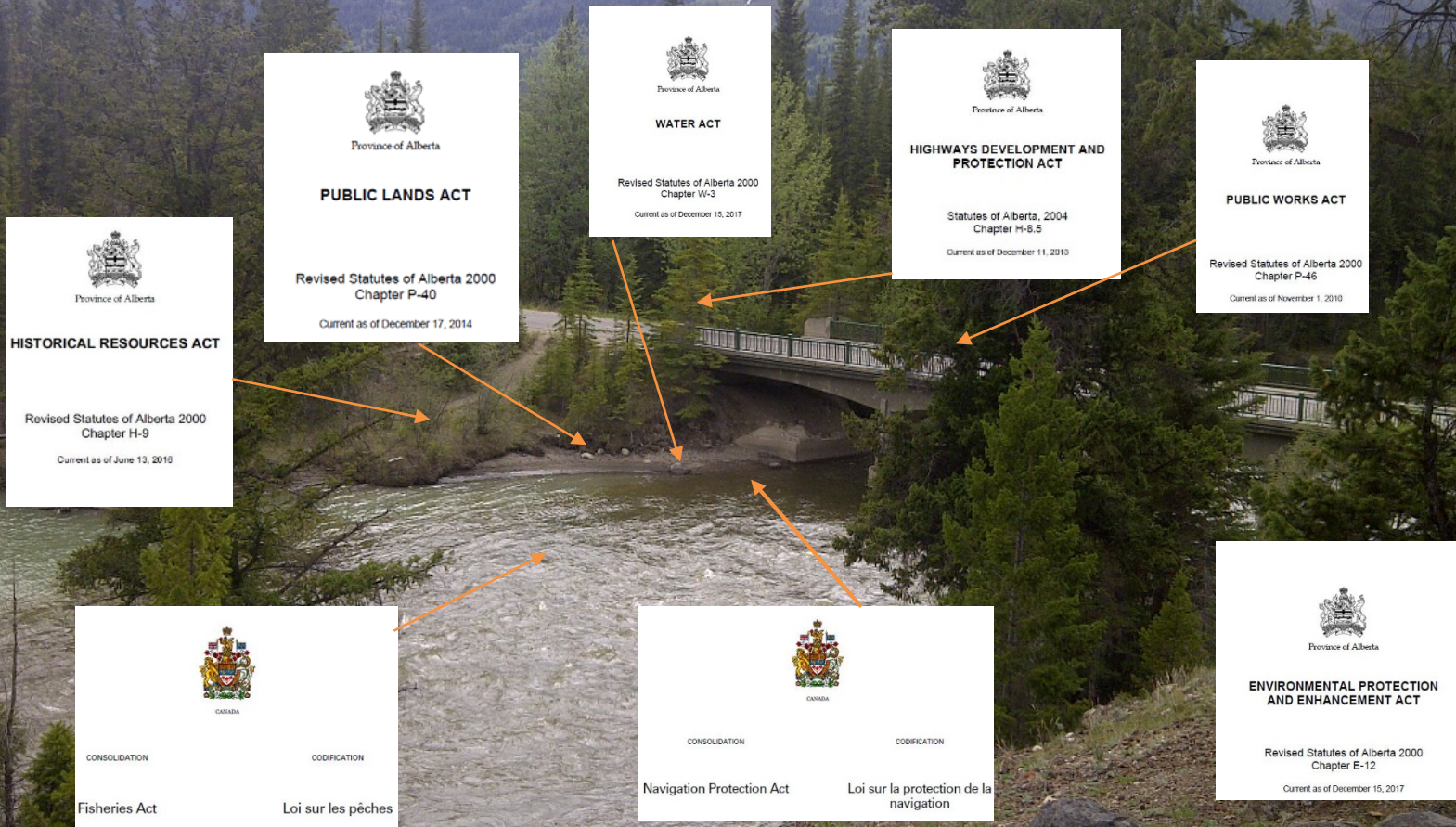
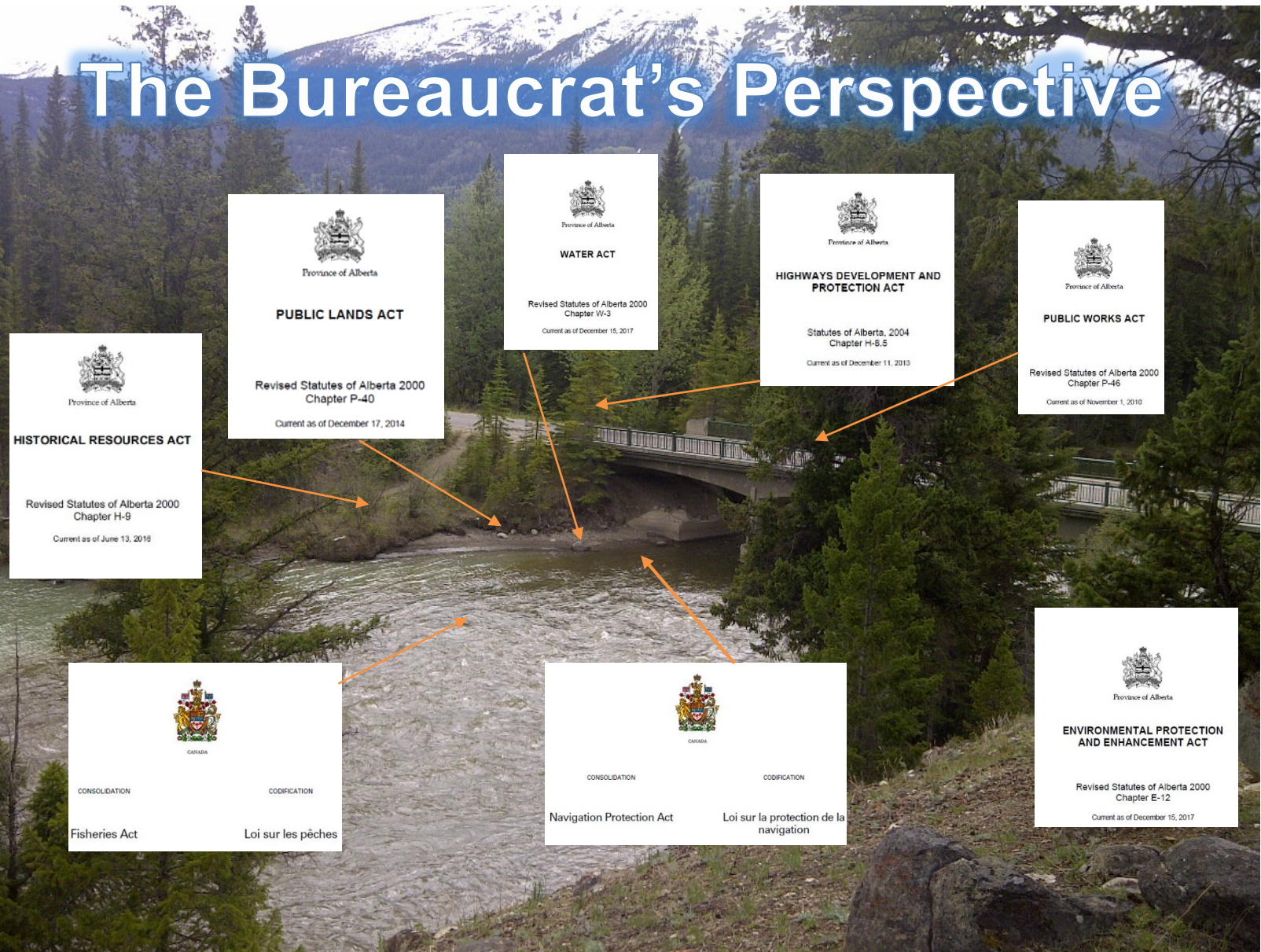
Triggers for Consultation

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Triggers for Consultation

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Consultation Process

Given that the Government Ministries are making decision under each of there respective Acts that could have potential impact the practices of indigenous rights, they cannot delegate this duty to consult to a third party.

Consultation Process

The Crown can delegate the procedural aspects of the Consultation to the Proponent

Each Government Ministry each have there own process and requirements for consultation.

However there they all have 3 common components

- Pre-Consultation Assessment
- Consultation Plan
- Adequacy Assessment

Consultation Process

Pre - Consultation Assessment

- The Crown Ministry will do a assessment and a review and determine which indigenous groups are known to be practicing either treaty rights or traditional uses in the area
- Assess the level of consultation require

Consultation Process

Consultation Plan

Is a collaboration between the Proponent and the Crown Ministry in scoping the Consultation

Questions that should ask during Consultation Planning Phase?

- What Indigenous groups need to be engaged?
- What the level of the consultation is required?
- What approvals does this project require?
- How many meeting will be required?
- Are site visits required ?
- Do we need traditional use study?

Consultation Process

Adequacy Assessment

Each ministry that is making a Crown decision will complete there own separate Adequacy Assessment

Consultation Process

Adequacy Assessment

The Crown agency will review the Record of Consultation (ROC) and determine if the local Indigenous groups have been adequately consulted

Consultation Process

Adequacy Assessment

What makes a good Record of Consultation (ROC)

- The ROC needs to be comprehensive. It needs to document all correspondences including every email, phone call, letter and meeting notes

Consultation Process

Adequacy Assessment

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- It tells a story and gives a complete picture of the dialogue that occurred and concerns that were expressed
- A good ROC needs to be well organized in a chronological order

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Adequacy Assessment

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Consultation Process

Adequacy Assessment

Once the assessment is complete and the consultation is deemed adequate

Consultation is deemed complete and the ROC is filed for future reference

Thank You